MAHATMA GANDHI

VOLUME II

The Discovery of Satyagraha – On the Threshold

PYARELAL

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In *The Discovery of Satyagraha – On the Threshold,* chronologically the second volume of Shri Pyarelal's multi-volume biography of Mahatma Gandhi, the author presents an indepth study of the growth of the Mahatma's mind, personality and political outlook, but especially of the gradual emergence of his philosophy of Satyagraha.

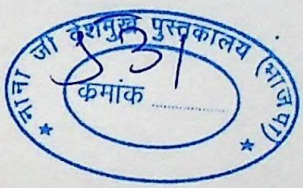
The book begins with the dramatic and moving story of Gandhiji's landing at Durban in 1896 in the teeth of hysterical anti-Indian propaganda and violent opposition of the Durbanite whites. It covers the period of the Boer War and the work of the Indian Ambulance Contingent under Gandhiji's leadership, the postwar development of the Indian question in the four British colonies in South Africa and Gandhiji's visit to India in the last quarter of 1901. It ends with the close of1902 when in answer to the call of duty Gandhiji returned to South Africa to lead the Indian Deputation to Chamberlain.

In a series of vivid pen-pictures, the author recreates through meticulous research and insight the figure of Gandhiji, the man, at the centre of significant episodes. These passages are compulsive reading, and reveal the labour of love which has built them up out of half forgotten contemporary records and other first-hand sources. Equally conscientious labour has been expended on the circumstances in which Gandhiji worked, the characters and motives of the men of all races with whom he had to deal and the development of the political climate which influenced them all.

We are taken through the intricate maze of historical events that filled the turbulent close of the nineteenth century in South Africa, when the political map of South Africa was being repainted and redrawn and the imperial doctrine was taking birth. We see Gandhiji gradually being moulded by history which he would himself in his turn later mould. We are shown the inner springs of this process of change and the elements it introduced in the character of the Mahatma-to-be which made him what he was.

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MAHATMA GANDHI—THE DISCOVERY OF SATYAGRAHA

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By Pyarelal
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Gandhi as a practising Barrister in Durban (1897). "At the bar he had a style all his own..... His method was 'Socratic'." (P.162)

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INTRODUCTION

1

In *Mahatma Gandhi—The Early Phase* we saw how, in the incredibly short time of a couple of years, a shy, shrinking, raw Indian barrister was transformed into a force to be reckoned with both within Parliament and outside in a self-governing English Colony. Thrown among a community of businessmen who had come to a foreign land to make a living, who lacked a sense of identity, and were utter strangers to public life, he infused into them a new sense of dignity, cohesion and self-respect. By the time he left for home the Government's mouthpiece and fosterchild of Natal's Prime Minister, the *Natal Mercury,* was wishing "a European Mr. Gandhi to come forward and put life and movement into the dry bones of our political ideas".

The story presented in this volume is in a sense a continuation of that phase. Rejecting the time-honoured notion that the practice of law was not possible without compromising on truth, he turned it into a means of service and his service into a means to self-realisation. This invested whatever he did with a suggestion of universality. His legal clients became more and more his co-workers and colleagues, who shared his ideals and in the end threw in their lot with him in the Satyagraha struggle to share with him the hardships of imprisonment.

Behind this astonishing phenomenon lay Gandhiji's passion for humanitarian service which in substance consisted of awakening and serving the divine in man. It gave to the institutions that he built their inner strength. When they passed into the hands of those who lacked his passion for service, they wilted.

Not a small part of Gandhiji's time and energy in this phase of his career was devoted to the fundamental work of evolving new norms of personal and political conduct for those working in public institutions that rested on no other sanction than the moral, and a new pattern of relationship with the members of his own family so that love of the family and love of the community, instead of being rivals and mutually exclusive became complementary. Each became the fulcrum and springboard for the other and self-transcendence the test of its genuineness.

2

Running like the silken thread in a string of pearls through whatever

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he did, was Gandhiji's innate urge for full practice of truth as it appeared to him. So all-consuming was his stark sincerity that some found it difficult to believe it. Just think of a man who was later to declare that to preach sedition against the British Government had become his religion, sending out on the occasion of the memorial service for Queen Victoria, a circular to the heads of all Indian schools suggesting that the memorial souvenir should be provided on behalf of the Indian community to all Indian children of school-going age "to bring home to them the theme of loyalty to the throne as a necessary part of their education", and insisting that not only should his own children learn to sing 'God Save the King' but to sing it in "the correct English tune, too"!

This perfervid loyalty of Gandhiji to the Empire was a projection of the spiritual stance that marked nationalist India following her unsuccessful attempt to regain independence by a military rising (see *The Early Phase* pp. 63, 156-59). Instead of eating her heart out in impotent rage and nursing chauvinistic phantasies, India chose to turn the searchlight inward on her own shortcomings and set about to assimilate the best that was in the conqueror. This was non-violence in practice, although unconscious. The Empire ideal stood in the eyes of many patriotic Indians at that time, as it did in Gandhiji's, for the values enshrined in the Queen's Proclamation of 1858 which pledged equal citizenship rights to all the members of the Empire and equality before the law irrespective of considerations of race, religion or colour. These were the values that they had long cherished and struggled for. The Empire ideal that stood for these values, they thought, was worthy of their allegiance and it was for them to fasten upon it and to make it work.

Gandhiji's fierce loyalty to the Empire was the obverse of the same coin of which his determined fight for the attainment of the rights enshrined in the Empire ideal was the reverse. Jealous of the honour of the ideal he had adopted, when that ideal was betrayed he turned upon those who were responsible for the betrayal with the same fierceness with which he had served it. Linked to his philosophy of love, it pointed the way to creative suffering, which is Satyagraha.

Indians had been claiming the rights embodied in the Proclamation of 1858 for years. They had been demanding training for self-defence as their inalienable right. The Boer War, Gandhiji felt, provided them a God-sent opportunity for securing both. Their demands carried with them reciprocal duties. Rights would come automatically from duty well-performed. Subconsciously he was also being driven by the inner urge to cultivate and excel in all the finer qualities which a fighting man displays on the battlefield and which are needed in an even greater measure in a non-violent struggle.

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3

Much ink has been spilled and unfruitful speculation indulged in over the question whether the stand that Gandhiji took on this occasion can be reconciled with his later views on the issue of participation in war. The two, it is objected, are inconsistent. This failure of the critics to see the unity underlying both these phases of Gandhiji's thought and conduct betrays a certain rigidity of mind and superficiality of outlook in regard to the nature of non-violence. Non-violence is not the name of a form of action; it is the quality of action that makes action non-violent. Its form ever changes. Its practice, therefore, does not consist in keeping on to a pre-set course, but calls for the capacity to improvise by responding correctly in terms of the law of love to every varying circumstance. This requires heightened awareness through the cultivation of basic spiritual disciplines.

Finally, the law of relativity holds. What may spell non-violence in an individual under a certain set of circumstances and at a particular stage of his development, may not spell non-violence in the case of another individual in a different stage of development or even in the case of the same individual under a different set of circumstances. What would have been the right thing to do for Gandhiji in 1899 and in 1914 would not have been right in the year 1942 and *vice versa.* The one thing common to all the three occasions is that Gandhiji's conduct in each case was a part of his search for, and an advance in the direction of, non-violence.

Gandhiji never deceived himself into the belief that by engaging in ambulance service he was not participating in the evil that is war, but it was clear to him that their participation in ambulance relief activity brought him and the Indian community closer to the full practice of non-violence. Rendering unstinted service to those who had oppressed and ill-treated them was non-violence in practice *vis-a-vis* the oppressors. By rushing unconditionally to the defence of the Empire in its hour of peril, putting behind all their grievances, they stood a much better chance of being heard and of bringing their oppressors round to their view, should they at any time have to offer anything better than war to solve the problems that are sought to be solved by the arbitrament of war.

4

Gandhiji's work in South Africa can be properly studied only as a prelude to and in the perspective of India's struggle for independence—both before and under his leadership. No better apprenticeship for it could have been found than what South Africa provided. There, he had to raise

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from the dust a people who had come to regard insults and humiliations in pursuit of a living as their lot, who were torn by dissensions and divided into factions in which each group regarded the others as aliens. Nor did he lack the denationalised Indian ultra-loyalist who thought that the best way of asserting his 'emancipation' was to run down his countrymen. The authorities were but too eager to exploit their differences in order to set Hindus against Muslims, Christians against non-Christians, and colonial-borns against Indians. Only their abysmal ignorance about a people whom they despised and regarded as beneath notice frustrated their attempts to play the game of 'divide and rule' which was so successfully played by the British in India. Fancy the *Natal Mercury* writing in its columns about 'the Hindu community' carrying their 'gods' to be 'drowned' in the river as a part of the celebration of the Muharram festival ! (see Sec. 3, CHAPTER IX). Even Henry Bale (later Sir Henry Bale, Attorney-General of Natal) thought that the Muharram festival was "a quite unnecessary ... filthy and noisy exhibition ... not really religious at all". It was something "connected with the death of Mohammed or Mohammed's son, or something of that kind". (*Natal Witness*, May 20, 1896).

The savagery of the colour prejudice against the Indians had only to be seen to be believed. Wrote one member of the racist lunatic fringe in the *Natal Advertiser* of January 30, 1900: "Bible is for the coloured people to set them right on the day of General Judgement. Heaven is for the whites only where colour dare not enter." When an Indian jewellery store and some adjoining Indian stores caught fire, the colonial whites, it was reported in the Press, "enjoyed the fire immensely", looking upon it "as a fine Saturday evening entertainment" (see Sec. 5, CHAPTER V). In short, every one of the problems that Gandhiji had to tackle later in the course of India's non-violent struggle had its prototype in this microcosm of South Africa—including the question of the Indian Muslim's attitude *vis-a-vis* the Sultan of Turkey as the Khalifa of the Muslim world, which later gave birth to the vexed issue of the Khilafat and even cost a Secretary of State for India his office.

In the crucible of history that South Africa had at this time become Gandhiji saw the British Empire grow and take shape under his very eyes, as it were : the coming of self-government to Natal; the fall and annexation of Kruger's Republic; the birth of the Union of South Africa; and the unfoldment of the philosophy of the Empire and of new concepts in inter-Dominion relationships. Being in the game with Chamberlain, Milner and Curzon, who constituted the triumvirate of British Imperialism, gave him an insight into the ways of British Imperialism and British diplomacy at its best as well as at its worst—at its best when by a bold stroke of imagination it converted a defeated opponent into a friend by restoring to him in

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all but name his lost independence; at its worst when by a series of opportunistic compromises it set Rhodesia on the road to U.D.I. (see Sec. 6, CHAPTER IX) and planted in the body politic of the Union of South Africa the seed of an *apartheid* that ultimately sent it out of the Commonwealth. His work for indentured Indian labour brought him into touch with both Chinese and European labour movements and with the wave of syndicalist trade unionism that swept over the Rand. His tussle with the Rand lords revealed to him how big international finance engineers crises to suit its sordid ends and how with utter lack of scruples it then exploits them. All this experience proved to be a most valuable asset to him in his confrontation with the British Empire during India's fight for liberation. None of his Indian colleagues in the struggle had the advantage of this vast and varied experience.

5

Giants bestrode the stage when Gandhiji arrived in South Africa. Before the close of the chapter they had all been laid low. The political map of South Africa had been redrawn and repainted. Rhodes was a spent bullet; Kruger a dying man. Joubert, the hero of Majuba Hill, had made his exit even earlier. Reitz, refusing to submit to the English, had preferred the exile to St. Helena. De la Rey and de Wett, the intrepid guerilla fighters with a legendary fame, had returned from their deputation to Europe bitterly disillusioned with their friends and sympathisers—one fated to fall to the ricochetting bullet of a police cop, who took him for a highway man, and the other to end his days ingloriously as a non-person in defeat, all the fire gone out of him, a decade and a half later. Smuts, who had not known what fear meant in battle, was afraid to return alone from his office after dark lest he should be murdered! This was what the God of Hosts in whom these doughty warriors had put their trust had done to them. It left a deep and abiding impression on Gandhiji.

The storm that had swept over the veldt had left the Boers sore and bewildered. The Afrikaners were nursing revenge against the English and a deep hatred of the Indians; and Milner, the autocrat of the annexed territories, to mollify them and gain their loyalty for a Union of South Africa, had by an astonishing *volte face* got his Chief to insert into the terms of Peace clauses which practically threw to the wolves those for the redress of whose grievances the war was declared in part to have been fought. The time had arrived to put the Imperial doctrine to the test. Assayed on the touchstone of performance, it revealed inner contradictions. Was the doctrine wrong or did it need a new technique to make it yield the right answer? In other words, was there a way by which the imperial rela-

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tionship could be purified and put on a healthy basis or must they decide to cut the painter?

6

The question of Indian emigration to South Africa had in the past been regarded by the Government of India officials as largely one of relieving the pressure of over-population in the congested districts. The colonies treated it as a domestic problem of theirs relating to trade regulation and labour importation. For the Colonial Office it was a question very much of providing cheap labour to the developing British colonies. It was common practice for the Colonial Office at this stage to take decisions adversely affecting the British Indians overseas sometimes even without consulting the India Office and for the latter to pass on the same to the Government of India 'for information' only. To instance, neither the Government of Natal nor the Colonial Office nor the India Office had bothered to provide to the Government of India the text of the anti-Indian Bills adopted by Natal in 1897. The Government of India, after trying unsuccessfully with the newspaper *Bombay Gazette* (see Sec. 3, CHAPTER VI), obtained them with the help of information provided by the Commissioner of Customs from the Sassoon Mechanics' Institute! But in less than a decade after this, the question of the British Indian subjects in South Africa had become of sufficient Imperial importance to precipitate a confrontation between Lord Curzon and Lord Milner on the one hand and the Government of India and Whitehall on the other. The transformation was due almost entirely to the unremitting toil of one man, member of a despised race, with no official status or authority save what his selfless service and the moral pressure generated by it gave him—M. K. Gandhi, the Mahatma-to-be.

7

When Gandhiji landed in Durban in 1896 one of the leaders of the Demonstration had exhorted the demonstrators to 'spare Gandhi' so that "they would have an opportunity of spitting on him if he was allowed to live in their midst instead of being snuffed out". But on the eve of his departure for India four years later, warmest tributes ever paid to a coloured man in a British Colony were being showered upon him by the cream of the Durbanite whites. The *Natal Mercury* recognised in the home-bound Indian 'a gentleman in word and deed', who in his profession had won the support of both Bench and Bar "as much by his legal attainments as by his high principles of conduct". "Should he elect not to return to Natal," tde journal went on, "he would meet in India with the success his abilities

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as a lawyer and his excellent parts as a gentleman deserve." Spiritually, he had discovered the fallacy underlying his earlier search for 'one true religion' and obtained a firm grasp of the 'Universal Law' of which the various religions are local adaptations—the variations in their outward form being but a function of the times, the environment and the current tradition of the people to whose inner needs they were an answer. Politically, he had been able for the time being to stem the imminent danger that threatened the Indian community, and had brought it to a point from where onward it should be able to proceed under its own steam. Basically, however, he had not changed much. As yet a hearty eater, with a keen zest for sensual savours, he was eager to suck out all the marrow of life. Pretty much a man of the world, he was deeply attached to his children and his family to whom he wished to provide all the creature comforts and security for future like any average householder. Financially, he was well off judged even by current standards of success at the Bar in South Africa. He thought he could very well settle down to a life of peace and domestic bliss combined with distinguished public service.

But Providence had decreed otherwise. He had hardly been a year in India when he was once again called back to the Dark Continent—this time to settle in the ex-Boer Republic, now under Crown Colony rule, where a prolonged, obstinate struggle of a type and duration which he could have hardly then envisaged awaited him. His faith in the ideals embodied in the British Constitution, in the British sense of fair play and justice, and above all in the absolute impartiality and integrity of the British judiciary at the highest level had until now survived all shocks. But when the time came to translate those ideals into practice *vis-a-vis* the Indian question after the war he found himself up against a stone wall. He had left no constitutional avenue of redress unexplored. It has very aptly been observed that under the British law even a successful rebellion is constitutional. It was open to the Indian community to resort to that remedy for redress. But it involved the use of a sanction which the Indian community did not possess and in which personally Gandhiji did not believe. Faced with outright repudiation by the rulers of their own declarations and principles which they had hitherto professed and prided themselves on, and with the prostitution of the machinery of law and justice to legitimise the legally and juridically indefensible, he began to search for a sanction of a different type—a power that would tame power and purify it without contradicting itself by imitating what it was pitted against. His search led him to explore the inner dimensions of his being by the cultivation of basic spiritual disciplines. With these disciplines as his tools he started experimenting with a new way of life. This constituted his *sadhana* or striving for the discovery of Satyagraha.

One gets fleeting glimpses of this nascent principle in action as one

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follows this phase of Gandhiji's career. There is no formulation of a cut-and-dry theory, no sign of a blueprint of a plan here, but only an exhalation of an influence born of the way of life that he had adopted which makes itself felt by its effect on those who were exposed to it. His capacity for compromise, rooted in the habit he had cultivated of seeing a problem from the opponent's view-point and for trust which begets trust, enabled him to win the respect and goodwill even of those with whom he was locked in a fierce conflict of colour and racial prejudice and to convert determined antagonists into personal friends. An instance in point is that of Sir John Robinson (see Sec. 11, CHAPTER XVI). Another and a more striking one is that of Harry Escombe who had not a little to answer for in the Durbanite white's demonstration which nearly cost Gandhiji his life in December 1896. The story of Escombe's last hour confession and expression of regret for what had happened to Gandhiji at that time (see Sec. 9, CHAPTER XII) is charged with a pathos all its own. It is such charismatic flashes in interpersonal encounters that presage the Mahatma-to-come.

8

I had originally planned to cover in one volume the whole story of this phase of Gandhiji's life, beginning with his landing in Durban in the beginning of 1896, to his return from the deputation in England at the close of 1906, only to find that, contrary to the assurances on which he had relied, he had been hoodwinked and double-crossed by the British Government. If the story was to be divided for ease of handling into two parts, *'On The Threshold'* and *'From Petitioning to Passive Resistance'*, the idea was to put both parts under the general title *The Discovery of Satyagraha,* into the readers' hands at one and the same time. But a series of mishaps that brought my work to near disaster, prevented the execution of this plan. For one reason or another all my assistants who had worked with me over a number of years were lost to me. Left alone to cope with the work that needed the help of several trained hands, I also buckled under the strain. The decision was forced upon me, much against the grain, not to hold up part one of *The Discovery of Satyagraha* till the second part was ready, but to let it go out by itself as in the case of *Mahatma Gandhi—The Last Phase.* It will be my endeavour, however, to reduce to the minimum the interval between the publication of the two parts and I hope to put into the hands of the reader part two of the work by the time he has digested the first.

January 14th, 1977
New Delhi.

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IN PREPARING this volume I have drawn primarily upon the original material comprising the proceedings of the Viceroy's Executive Council, microfilm copies of private papers of Lords Curzon, Elgin, Dufferin and Landsdowne in the National Archives of India; Gandhiji's papers in the Sabarmati Sangrahalaya and Gandhi Smarak Sangrahalaya at Rajghat, New Delhi; my own personal record, and notes of conversations with Gandhiji, besides the Collected Works of Mahatma Gandhi.

I owe thanks to my friend, Mr. Ian Le Maistre, for his kind help in doing research for me and supplying me with photostat and microfilm copies of valuable material in the Public Record Office and in the British Museum, besides putting at my disposal microfilm rolls of his own research material; to Mr. R. F. M. Immelman, Librarian of the University of Cape Town Library; Prof. J. D. Hunt and Mr. Michael Johnson for their unsolicited gift of a number of valuable books on Gandhiji and the Indian question in South Africa, not easily procurable, and microfilm and photostat copies of original documents relating to Gandhiji, which I was finding difficult to obtain; and to the editor of *The Star*, Johannesburg, for putting at my disposal a member of his staff to research some points that I had referred to him. I am indebted especially to Evan Charlton (London), Professors Dennis Dalson (New York), J. D. Hunt (Raleigh, USA) and Ian Le Maistre (London) for going through the typescript of my book and making valuable suggestions and helping me in various ways. I am particularly grateful to Earl Mountbatten of Burma for his sustained interest in my work and for helping me obtain a valuable document from Queen Victoria's personal collection, besides priceless information about the Ambulance Corps that Gandhiji had organised during the Boer War.

Quite a number of friends who helped me with their reminiscences of Gandhiji—L. W. Ritch, William Godfrey, Vincent Lawrence and Chhaganlal Gandhi—are no more with us. To them I acknowledge my deep debt.

Among my Indian friends I must make special mention of Prof. K. Swaminathan, Chief Editor, the Collected Works of Mahatma Gandhi, and

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Shri J. P. Uniyal, Deputy Chief Editor, for their lynxeyed scrutiny of my typescript and for coming to my rescue when, left without a single assistant, I was faced with the prospect of total shipwreck of my work.

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I must also put on record my appreciation of the devoted labour of Shri S. K. Gupta (now no longer with me), who helped prepare the brief and of Dewan Vasudev, the only one of my former assistants still left with me, for doggedly carrying on as well as he could in spite of his shattered health.

Since the foregoing was written, to my regret I have found two errors that have crept in inspite of all care. On p. 190 line 9-10 *Natal Advertiser* is a mistake for *Natal Mercury*. On page 400, in lines 8, 10, and 13, *poonam pouli* should read *pooran pouli*.

January 24th, 1977
New Delhi

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"It is idle to adjudicate upon the right and wrong of incidents that have already happened. It is useful to understand them and, if possible, learn a lesson from them for the future. Judging a man from his outward act is no more than a doubtful inference, ..." — *p. 61*

* * *

"I hold that believers, who have to see the same God, in others that they see within themselves, must be able to live among all with sufficient detachment .... — *p. 173*

* * *

"That one should appear to be as one really is and should act accordingly **is not the last but the first step** *to practical religion. The building up of a religious life is impossible without such a foundation."* — *p. 273*

M. K. GANDHI

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Part One

THE STORM AND AFTER

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CHAPTER I

THE TEMPEST

1

IT WAS the middle of the cold weather, year 1896. A December sun shone down from a sapphire sky, as the pocket-sized Africa-bound boat, the S. S. *Courland*, raced across the Arabian Sea with Gandhiji and the members of his family on board, making a bee-line for Natal. Of the burthen of 760 tons and of 120 nominal horse power, she had recently been acquired by Dada Abdulla from the Castle Company. Her sister ship, the S. S. *Naderi* had set sail from the Prince's Dock, Bombay, a couple of days earlier. Of the burthen of 1168 tons and 160 nominal horse power, the *Naderi* was owned by the Persian Steam Navigation Company of Bombay, but Dada Abdulla's firm were the agents of the owning company. Both the boats belonged to the Port of Bombay. Though small they were sturdily built and designed to stand any weather.

Standing on his bridge in his smart naval uniform was Captain Milne, Master Mariner of the *Courland*. This was his first voyage to Durban. Unlike his predecessor, Captain J. Adams, whom Dada Abdulla had been forced to get rid of on account of insubordination and corruption, he was a man of integrity and character. To his high maritime skill and cool courage he joined a rare sense of duty. He and his men spared no pains to make their master's legal adviser and the members of his family as comfortable as possible.

Ever since his marriage Gandhiji had not been able to be with his family for long. This was their first voyage together. The thrill of the family reunion added zest to the prospect of a wonderful new land, famed for its fruits, wild life and fabulous mines of diamonds and gold.

At Gandhiji's instance they had all adopted Parsi dress, as Parsis those days were considered to be the most advanced community in India. Kasturbai, in the freshness of her youth, looked resplendent in her *chic* Parsi-style sari. Harilal and Manilal, aged nine and five, were in elegantly tailored Parsi coats and trousers, not to mention stockings and shoes. At the table they used spoon and fork. What if the stockings stank with perspiration and the tight-fitting shoes made them feel extremely uncomfortable, they were marks of 'civilisation'! How could the wife and children of a rising advocate of the Natal Bar appear before strangers in 'uncultured bunya

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dress', or be seen eating with their fingers in the Indian style—so thought advocate M. K. Gandhi of the eighteen-nineties, and his word was law. Many years afterwards, when he had outgrown 'my false notions of civilisation', he had a hearty laugh over it and wondered how anybody in his senses could ever be so blind.

Below the line the seasons are reversed. Soon they found themselves in mid-summer. December to February are the hottest months in the Southern seas, when gales great and small are frequent. Four days from Natal, they were caught in a gale which turned into a violent storm, throwing the passengers into a panic. Before long most of them were sea-sick.

Captain Milne was unperturbed. To him it was only what the sailors call 'a capful'. He had experienced worse storms. But he tried in vain to reassure the passengers that there was no particular danger; a well-built ship could stand almost any weather. They were inconsolable. Like one man they fell to prayers, imploring heaven for mercy.

> It was a solemn scene. All became one in face of the common danger. They forgot their differences and began to think of the one and only God—Mussalmans, Hindus, Christians and all. Some took various vows.[1]

The storm showed no sign of abating. Every minute were heard ominous sounds and crashes, portending breaches and leaks. The boards creaked under the strain and crazily pitched and rolled the storm-tossed ship. "It seemed as though she would capsize at any moment. It was out of the question for anyone to remain on deck. 'His will be done' was the only cry on every lip."[2]

After about twenty-four hours the sky cleared and the Captain announced that the storm had blown over. At the familiar sight of the sun-god the people's countenance beamed with happiness, and

> with the disappearance of danger disappeared also the name of God from their lips. Eating and drinking, singing and merry-making again became the order of the day. The fear of death was gone, and the momentary mood of earnest prayer gave place to *maya*.[3]

Being an excellent sailor, Gandhiji had been able to move about freely among the passengers during the storm, unaffected by the rough weather, and minister to the sick. His courageous example had put heart into them and his services to them in their distress had forged a close bond of friendship and affection with them all.

On December 18, 1896, the S. S. *Courland* reached Natal and at 6.34 p. m. dropped anchor in the outer anchorage of the Durban harbour. The S. S. *Naderi* had already arrived on the same day at noon.

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2

It was a Natal torn by internal faction and seething with unrest that Gandhiji had left behind when he set sail for India in June 1896. The Franchise debate, in spite of the elaborate preparation with which it was heralded, had been adjudged 'a moral defeat' for the Government. The passage of the Bill had been secured by a 'mechanical majority'. The insertion of the words 'founded on the franchise' in the draft Bill was considered to be a triumph of the Indian Petition. To answer his critics the Prime Minister had to take shelter behind the contention set forth in Gandhiji's 'An Appeal to Every Briton'. If the 'Appeal' was right, the Bill was wrong.

The Bill itself had been dubbed an 'ambuscade of disputes', 'full of holes as a sieve'. The consensus of opinion among the Colonists was that instead of removing the danger of the 'Asiatic vote' it left the Colony in an even more 'perilous position' from their view-point. A legal expert had declared that the Bill, by seeking in ambiguous terms to deprive Indians of the franchise, had in fact given them 'a firmer grip on the franchise than ever before'.

And now the man who had created all these headaches for them and nearly upset the Government's apple-cart, was reported to be on his way back to Natal with no one knew what plans up his sleeve. The brilliance of his performance had extorted the unstinted praise of even those against whom he was arrayed. At a time when public life in the Garden Colony was yet in a rudimentary state, he had, almost single-handed, in an incredibly short time brought into existence a political organisation that had left its European counterparts standing, and set a style in political leadership which the Ministerial organ had commended as a model *par excellence* for the Colonists to follow. The day after he had sailed for India, the *Natal Mercury* had editorialised: *"What we want is a European Mr. Gandhi to come forward and put life and movement into the dry bones of our political ideas. It is all the more necessary that we should have something of the kind, when we have an example like the Indian Congress before us."*[4]

By working on the fear which the phenomenal rise of the Natal Indian Congress under Gandhiji's leadership had inspired in the Colonists and by raising the bogey of his 'arts', 'talent' and 'resource', the Government had been able to achieve a Pyrrhic victory, but it had come out of the combat with its colours badly soiled, bearing the stigma of 'duplicity' and 'lack of straight-forwardness', attempting to 'hoodwink' the public and seeking 'quietly and by a side wind' to reach its goal which was 'apparently unattainable by plain sailing'.

The public had begun to weary of the game of seesaw between rival political factions and the sense of unreality that had settled on every public question in consequence. It had created a climate of apathy and indifference

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in the Colony which, it was feared, could not but weaken the Government. With the next general election in the offing the Ministry needed a scapegoat desperately to whip up the waning enthusiasm of the voters. Then a tiny incident, that in itself would have hardly attracted any attention, by a curious combination of circumstances, set brewing a storm which six months later was to sweep over the Colony with the force of a tornado. It united for a time all diverse European sections in a common orgy of hate against their *bete noire*—the Indian community. It was the rumblings of this storm that had reached Gandhiji on the eve of his departure from India.

It all began on April 7, 1896, when the Tongaat Sugar Company applied to the Immigration Trust Board for twelve indentured Indian artisans; one each—bricklayer, platelayer, plasterer, house painter, carriage-builder, wheelwright, carpenter, blacksmith, fitter, turner, iron moulder, and coppersmith.[5] On August 7 the Board granted the application.[6]

As soon as this news was published, a deputation from the Maritzburg branch of the Natal Typographical Society waited upon Harry Escombe, the Attorney-General, Sir John Robinson, the Prime Minister, being on sick leave in England. They were informed that the Government had been unaware of the decision of the Board until it had appeared in the Press. They had already vetoed it before 10 o'clock that morning.[7]

At the same time the Principal Under Secretary wrote to the Chairman of the Board intimating that the question, how far the laws in force authorised what was proposed, was being considered by the Government. He hoped that pending a decision no requisition for skilled labour would be acted on.[8]

This did not satisfy the white artisans. They were determined to stop 'this coolie business' for ever.

Meetings to protest against the action of the Board were accordingly held both in Pietermaritzburg and Durban. The first meeting was held in Durban on the night of August 11, 1896, in Victoria Cafe when angry speeches were made in the course of which Indians were referred to as 'black vermin'. A resolution was passed calling upon the Government to "immediately cancel the agreement and never again countenance any such proceedings, and a threat was held out that such an encroachment on the rights and liberties of the working community at large" would be resisted by the Europeans 'by every legitimate means' in their power. Another resolution urged that the Government should abolish the protective duty upon sugar. Both resolutions were passed unanimously and copies sent to the Government.

Taking note of the growing resentment against the sugar planters, as the chief employers of Indian labour, the *Natal Advertiser* warned that "in their own interests" they would be well advised to forgo "the small profit they would derive" from the employment of Indian mechanics.[9]

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"Little chips light great fires," wrote the *Natal Mercury* quoting a Portuguese proverb. "If a great fire of opposition to the protective duty on sugar is set agoing, the little chip that started the blaze was supplied by the planters themselves, and therefore they will have nobody but themselves to blame if the duty is removed."[10]

As a result, the Tongaat Sugar Company withdrew its application but the agitation continued. More protest meetings were held. Very intemperate language was used at these meetings and Indians were condemned wholesale—'a coolie could live on the smell of an oil rag'; 'the Indians breed like rabbits—those that are here'; 'the worst of it is that we cannot shoot them down like rabbits', being some of the choice remarks showered upon them on one such occasion. At a meeting in Durban one of the audience declared that if the Indian artisans came, the Europeans would go to the Point and stop them. "A coolie is not a man," shouted another. At the Maritzburg meeting held on August 24, 1896 the Government were requested to abolish the importation of Indian labourers in general and initiate special legislation to render such importation of Indian artisans 'illegal and impossible' in the future.[11]

The extravagance of the Maritzburg demand drew from the *Cape Argus* a sharp reprimand. A public meeting which passed such a 'ridiculous' resolution, it observed, stultified itself in the estimation of all "who have any knowledge of the facts and the condition of the labour market in Natal". The 'dog-in-the-manger' attitude of the European artisans was 'supremely absurd'. It was 'impudent' on the part of a handful of tradesmen and artisans to meet and demand that disabilities, "which would close most of the tea and sugar mills in Natal" and throw "hundreds of miles of land out of cultivation", should be imposed on the planters. It was "even less creditable that politicians of intelligence and education should be found willing to foster such an agitation".[12]

The Natal whites were, however, determined to have their way. On September 2, 1896 a deputation waited on Harry Escombe to press for the resolution adopted at the Maritzburg meeting. The acting Prime Minister assured them that within three years "all state-aided immigration would have ceased". The Government had already put into force Act 17 of 1895 providing for the re-indenture of Indians at the end of three years, or their return to India, failing which a tax of £ 3 per head would be levied. True, he went on, no penalty could be inflicted on Indians who refused to pay the tax, owing to the attitude of the Indian Government, but "South Africa", he assured them, was alive to the danger and would not submit to it "for the sake of the Natal tea and sugar farmers". The attitude of the British and Indian Governments would have to be overcome and would be overcome in some way or the other. The principle of class legislation in regard

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to these people having been admitted and enforced, 'patient pegging away' in the same direction was all that was needed for "Natal being allowed to decide for herself as to the class of immigrants she admits on her shores".[13]

The *Natal Mercury* warned the Europeans that the tone and tenor of the speeches both at the Durban and Maritzburg meetings were more likely to harm than help the objects they had in view. Nothing was done in the world by extremes. "The language used in speaking of coolies and Indians generally as a rule must be condemned."[14]

At a meeting of the Indian Immigration Board Mr. Baynes, Member of the Natal Assembly, appealing to their enlightened self-interest, urged that the artisans should welcome rather than oppose the introduction of Indians, as the Europeans would then, instead of remaining labourers, become masters. "They would be the directors of the coolie labour and would not by any means have to enter into competition with it."[15]

3

Hardly had these counsels of good sense and moderation time to sink into the European mind when Reuter's summary of Gandhiji's 'Green Pamphlet', cabled from London two days earlier, appeared in the Natal papers of September 16. Without mentioning Gandhiji by name it stated:

> A pamphlet published in India declares that the Indians in Natal are robbed and assaulted and treated like beasts, and are unable to obtain redress. The *Times of India* advocates an enquiry into these allegations.[16]

The publication of this incomplete and misleading summary set the whole of Natal ablaze. The *Natal Advertiser* excitedly asked if the pamphlet in question "was written by Mr. Gandhi".

Sheikh Mehtab felt he must take up the cudgels on his boyhood friend's behalf. Since his breach with Gandhiji (see *The Early Phase*, p. 493) he had attached himself to one of the Indian merchants in the Colony, Sheth Abdul Qadir. From Sanford Hill, one of the fashionable residential areas of Durban, he wrote in a letter to the editor of the *Natal Advertiser* in his quaint, inimitable style: "You are evidently surprised ... because you ask, 'Is it Mr. Gandhi's Pamphlet?' Why do you ask? Have you not read the 'Open Letter' and 'An Appeal' which were published by Mr. Gandhi in Natal? ... If you concede that those two books are right, you should not be surprised."[17] This letter served only to exasperate the Colonists further. "We have read Mr. Gandhi's 'Open Letter' and 'An Appeal' too," commented the editor "but even then were totally unprepared to hear that he had visited India to say that Indians in Natal are robbed and assaulted, and treated like beasts, and are unable to obtain redress."[18]

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The *Natal Mercury* expressed its surprise that "Mr. Gandhi was always very ready in sending us copies of his productions, but ... he has omitted the attention this time."[19] From this it uncharitably surmised that perhaps the article in question was not intended by the author 'for consumption in Natal'. The statements cabled by Reuter were, of course, 'infamous falsehoods'. The enquiry the *Times of India* advocated would, therefore, "most certainly not be objected to here".

On the same day 'Justice' offered to loan his own copy of the 'Green Pamphlet' to the editor: "I am sure he has posted you one, but ... I shall be pleased to lend you my copy and I have not the slightest doubt that, after your perusing same, your opinion will not be the same as has been hitherto."[20]

After reading the pamphlet supplied by 'Justice', the editor of the *Natal Mercury* admitted that the contents of Reuter's telegram were not borne out by it and much of the criticism directed against its author was unwarranted. He absolved Gandhiji completely of the charge of having used the mask of anonymity to blacken the name of the Colony. He had placed all his cards on the table; his name appeared at the end of the pamphlet; he had given the names of the prominent Indians in Durban by whom he had been especially commissioned to lay the grievances of the Indians in South Africa before the Indian public; he had concealed nothing. The European population of Natal had, therefore, no reason to complain on that score. On the contrary, they ought to be

> thankful to Mr. Gandhi that he has been so open and above-board in stating the object of his mission, and in stating freely the amount and nature of the support he expects ... We know now what Mr. Gandhi went to India for ... and by what agencies he hopes to accomplish his mission.[21]

The issue that divided Indians and Europeans, the editor of the *Natal Mercury* continued, was clear and distinct. As the London *Times* had recently pointed out, it was in South Africa that the question of the Indians' status was going to be determined. And the *Times* was right. "If they secure the position of British subjects in South Africa, it will be almost impossible to deny it to them elsewhere. If they fail to secure that position in South Africa, it will be extremely difficult for them to attain it elsewhere." The Europeans held that the entire future of the Colony was wrapped up in the dominance of the white population. To secure this end they had passed certain laws which they felt necessary. "We hold these laws to be right and fair. The Indians hold them to be wrong and unfair. The Indians wish them to be repealed and all further legislation stopped. The Europeans wish them maintained and the right upheld to institute further legislation on similar lines should the necessity arise." The Indians, there-

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fore, intended exerting themselves "might and main to have it declared that they are entitled before the law to have the same status as other British subjects and as a consequence to have all special legislation in this Colony affecting them pronounced illegal". Nobody could object to that. His conclusion was :

> Mr. Gandhi on his part, and on behalf of his countrymen, has done nothing that he is not entitled to do. ... He is within his rights and so long as he acts honestly and in a straightforward manner he cannot be blamed nor interfered with. So far as we know, he has always done so, and his latest pamphlet, we cannot honestly say, is an unfair statement of the case from his point of view. Reuter's cable is a gross exaggeration of Mr. Gandhi's statements.[22]

With regard to the grievances complained of in the pamphlet also, the *Natal Mercury* candidly admitted that the whole indictment was "based upon the well-known alleged political and social disabilities which the Indian says are imposed upon him, and which, as a matter of fact, no one denies".[23] Deprecating strongly the use of 'coarse language' in speaking of the Indians as a class, which was 'as reprehensible as it was regrettable', it wrote : "When the Indians are described and spoken of in the public prints and on the public platform as 'beasts', we have little reason to complain if people at Home and elsewhere assume that we treat them as we treat the animals they are classed with." To insist that the Indian shall not have social and political rights equivalent to those of Europeans, it was "quite unnecessary to degrade him by vile epithets". The self-interest of the Europeans no less than gentlemanliness demanded that such language should be stopped. "The more it is used the stronger case the Indian will have to lay before the British and Indian public."[24]

In view, however, of the impression that the publication of the 'Green Pamphlet' might give rise to, the *Natal Mercury* felt that a 'searching enquiry' should be held into the whole matter "especially as regards the high rate of suicide among the coolies on some of the sugar estates".

Agreeing with its contemporary that Reuter's telegraphic description of the objects and contents of the 'Green Pamphlet' was considerably exaggerated, the *Natal Advertiser* observed that the grievance that the Indian was ignored and treated by Europeans as "belonging to a separate class and race, and not one of themselves" was "from Mr. Gandhi's point of view" deplorable and it was "easy to sympathise with him and his compatriots".[25] But the bulk of the Europeans were in no mood to listen. The *Natal Mercury* was pilloried by an irate correspondent for its 'milk and watery' article as "a close emulator of the renowned character 'Uriah Heap'".[26] In purchasing from the Indian hawkers, wrote another colonist, they were "putting in pickle a rod to be used on the backs of their own children."[27]

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Two Indians, C. M. Pillai, styling himself as 'Honorary Secretary, Pretoria and Johannesburg Indian Congress', and Doraiswamy Pillai, President of 'Indian Political Association', a rival organisation to the Natal Indian Congress, entered the lists against Gandhiji. C. M. Pillai, described by Gandhiji later as 'an interpreter of no standing', who had been found 'to be the worse for liquor', like many a prototype of his in India at that time seems to have thought that to impress the whites with his enlightenment he must show his contempt for his countrymen. In a letter to the *Standard and Diggers' Digest* he wrote, with reference to the 'Green Pamphlet' : "It is certainly not expressive of our actual conditions, and less the sentiment of the representative body of Indians in South Africa."[28] Doraiswamy in a letter that appeared in *The Kimberley Advertiser* of November 10, 1896, under the caption 'Gandhi Repudiated', asserted that the Indian settlers in South Africa were quite happy; they were not looked down upon by anybody, and were on the whole well treated.[29]

4

Out of the anti-Indian feeling whipped up by Reuter's cable was born the European Protection Association. On the day on which Reuter's summary appeared in the Natal papers, about 30 Europeans met in a two-hour meeting in the Templars' Hall at Maritzburg and resolved that an association, to be called the European Protection Association, be formed for the purpose of "defending and preserving the rights and privileges of European colonists", and to resist "by all constitutional means" any infringement upon them, or "anything calculated to lower the status of the European in Natal or to subject him to unfair competition with inferior races". The Europeans were called upon to "neither barter, sell nor do business with the coolie", and boycott "the whole of the Indians engaged in gardening, shops, and everything else, except where they were employed under an apprenticeship of five years".[30] The principal aims of the Association were stated to be :

> (a) Withdrawal of all state-aid, assistance or countenance from all bodies of persons connected with Indian or other Asiatic immigration; (b) to press upon Parliament the necessity of enacting such rules and regulations as will really compel the Indian to leave the Colony at the expiration of his term of indenture; (c) to take all steps that may be found advisable for limiting the number of Indians introduced into the Colony; and (d) to endeavour to have the Australian laws as to immigration made applicable to Natal.[31]

Commenting on this meeting, the *Natal Mercury* scathingly observed that indeed when only 30 persons presented themselves at such a meeting one could not resist the feeling that the Association's idea was not altogether favourably viewed by the majority of workmen in Maritzburg. Besides, was

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there not 'something humiliating' in all this talk about requiring to be protected from the competition of the Indians? "It is like acknowledging superiority on the part of the Indian and that we are afraid of him." Protection by such means as 'boycotting and suppression' was not only 'undignified'; it was likely to prove abortive. "It is absurd to talk about prohibiting Indians who pay their own passages from landing in the colony, and equally absurd to imagine that any plan of boycotting will be successful."

Following it another crowded meeting of Europeans was held on November 26 in the Durban Town Hall under the chairmanship of His Worship the Mayor. The principal speakers were W. Hartley, popularly known as 'the laird of Overport', and Dr. Campbell, whose father had taken a prominent part in the agitation against the landing of convicts by the Home Government in Cape Town at the time of the *Neptune* incident in 1853.

Urging that they must refuse to discriminate between the indentured Indian and the Indian who came to the Colony of his own accord and keep out both, Dr. Campbell said the only difference between the two was that "while the whites made money out of the one, the other made money out of the whites". He would rather, he observed, that all white men became paupers without the help of the Indian than rich under his 'fostering care'. The meeting should resolve to vote only for those candidates for election to the Legislative Assembly who were prepared to give that undertaking.

W. Hartley dubbed the Indians 'an unmitigated curse'. They were "intelligent, fairly skilful, adepts at a bargain in buying and selling", and they laboured far beyond Europeans as shopkeepers, hawkers and traders generally. "Our sons have but small chance of following in the footsteps of their fathers because of the presence of the Indian artisans," he declared.

Still another speaker remarked that 'these dark and dismal people' were 'absolutely useless' to the community. They were useless to the butcher, for they did not eat meat; they were useless to the baker, for they ate only rice—"the profits on the growth of which went to India, and the profits on the introduction of which went to the Dada Abdoolas and the Moosas". They were useless to the shoe-maker, for they went barefooted, and they were useless to the tailor, "because (saving the presence of the ladies) they did not require any of the niceties of the sartorial art—(laughter)—to protect their unmentionables". Similarly they were of no use to the carpenter and the bricklayer, because the erection of dwellings "for these gentry without boots or breeches" did not require any apprenticeship at any trade.[32]

The Mayor in his speech suggested that the Asiatic should be made to contribute to the revenue of the Colony, 'which protected him', £ 100, following the practice in Australia; that free Indians must not be allowed to come at all, and a Bill should be passed to that end. Authority should further be given to Town Councils under which "they would have the right to give

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or refuse trading licences to this class of people". He concluded with the exhortation : "Let a Union be formed to protect the white people from the Asiatic invasion and let all join it." A resolution to that effect was accordingly proposed and passed unanimously. The meeting also discussed and approved the draft of a petition to be submitted to the Natal Government.[33]

The *Natal Mercury* found in this meeting 'an earnest and intelligent intention' on the part of Europeans "to secure measures being taken against the wholesale immigration of Indians to this Colony". Revealing that it was the intention of the Government at the next session of Parliament to introduce a Bill to deal with this question, it remarked that a meeting, like the one they had, not only strengthened the hands of the Government in Parliament but would lend influence "when the Bill, having passed our legislature, comes before the Secretary of State for Her Majesty's sanction".[34]

In accordance with the decision arrived at at the Mayor's meeting, a public meeting was held on the night of December 4, 1896 in the Council Chamber in the Town Hall with Mr. W. R. Poynton in the chair. The petition approved in the last meeting was signed by about 120 persons. Entrance fees for the Union were fixed at 2s. 6d. minimum. On an appeal being made from the chair calling for subscriptions to defray the expenses of preparing and submitting the petition, which were estimated to come to about £ 100, £ 30.6s.6d. was paid on the spot; a provisional committee consisting of 12 members was elected, with powers to add to their number, and the Colonial Patriotic Union was formally launched with the object of "preventing the further influx of Free Asiatics into the country".[35] The grounds for the exclusion of Asiatics were stated to be that

> (1) the older Colonies ... like Australia and New Zealand had found this class of immigrant to be detrimental to the best interests of the inhabitants and had passed laws having as the object the total exclusion of the Asiatics;
>
> (2) the disproportion between white and black races was already so great that it appeared highly injudicious to further increase this proportion;
>
> (3) the continued introduction of Asiatic races was in the highest sense detrimental to 'the natives' of the Colony as, so long as the cheaper Asiatic supply of labour was available, the civilisation of the 'natives' was bound to be retarded, being dependent upon their intercourse with white races;
>
> (4) the low moral tone and insanitary habits of Asiatics were a constant source of danger to the progress and health of the European population.

5

No sooner was the Patriotic Union formed than the skeletons in its cup-

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board began to rattle. No section among the Europeans was averse to profiting at the expense of the Indian but each section was anxious to lay on the others the blame for his presence in their midst. The working men blamed the planters, the planters blamed the working men and both blamed the merchants. To find respite from mutual recrimination, they all vied with one another in denouncing as a 'curse' the man on whose back they rode to comfort and prosperity.

Disgusted with the hypocrisy of it, a correspondent writing in the columns of the *Natal Mercury* acidly pointed out that the majority of the speakers at the Mayor's meeting in Durban being 'men with whom the Indian community deals', nothing could come out of it. As for the insanitary habits and the low moral tone of the Asiatics, of which the petition complained, he asked why the law did not take its course to punish the offenders. "Are there insanitary habits only amongst the Indian community? What about the Europeans? For one's wrong doing are the whole community to be blamed?"[36] Besides, surely

> it is not the Indians' fault if they have to live in shanties. We do not expect...that an Indian should live in a palace, when he only earns 10s. or 12s. per month. Try him on the same scale as Europeans. Let an Indian be paid at the same rate and let him enjoy the same privileges and then find out what the Indian would be like. For instance, look at the Colonial born Indians; they are just as good as any European in all respects except the skin.

Then there was their 'Hartley Saheb', who had declaimed against the Indians at the Mayor's meeting, but all the same had sold 'acres of land to the cursed Indians' in preference to the 'blessed Europeans'. Perhaps the gentleman at the time was reaping a good harvest from 'the cursed Indians'. "Go where you like at Overport, or Sydenham, and enquire from the Indians who sold that piece of land to you. The reply will be 'Hartley Saheb'."

The Durban merchant had been conspicuous by his absence at the meeting. Commenting on this, 'A Stitch in Time Saves Nine' wrote : "[This] leads one to suspect that his presence would clash with existing interests. From the Indian trader he is reaping a rich harvest, but at the same time is sowing seed which will undoubtedly germinate and prove most disastrous to his successors."[37]

'Anti-Humbug' incisively pointed out that while Dr. Campbell had claimed that his father was instrumental in preventing the introduction of convicts, he had said nothing about "the same person being one of those who first introduced the coolie to cultivate the sugar on his estates". Nor had the good doctor told them "how much his brother was indebted to 'coolie' labour". Another speaker did not tell his audience that "nearly all his revenue was derived from 'coolie' tenants". And a certain legal firm had

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said nothing about "a certain case heard at the last circuit court" in which they appeared for a 'coolie'. "Truly, we live in a many-sided world. Our principal men are publicly denouncing the coolies, and privately aiding them."[38]

"Can the doctor [Dr. Campbell] explain," asked 'Colonist No. 1', "why he does not utilise the native in his own establishment instead of employing the much despised Indian? If he fails to utilise the native, how can he expect a large estate to do it?"[39]

Still another correspondent asked those who complained against the unfair competition why, if they were going in for protection against competition, they did not exclude "not only cheap labour but also the products of cheap labour".

It was well known that a good many European merchants had large trade connections with Indians. The Indian trade was far more satisfactory to them than European trade, and there were fewer bad debts and disputes. Experience had shown, observed a commentator in the *Natal Mercury,* that the Indian as a rule paid up punctually. The question was whether it was "for the good of the Colony as a whole. ... That is a view ... that the merchant may be well asked to consider."[40]

To this the European merchant retorted: Granting that all that was said against him as a class was true, what about the working men who bought supplies from Indians and Chinese?

> Let us be fair in our agitations. What is sauce for the goose is sauce for the gander. In other words, an argument that applies to the seller [merchants] applies to the buyer [working men]. ... great responsibility rests upon working men to see that their words and actions agree. ... If trade with the Indians is to be condemned, it must apply to buyer as well as seller. This question is one which the association could take up and so keep alive that Europeans would be brought to see that by a little self-denial they could give practical and tangible support to the principle for which they are fighting. . .[41]

At the annual dinner of the Amalgamated Society of Carpenters and Joiners, the Chairman Mr. W. H. Nichols admitted the truth of the charge against working men. They were as great supporters of 'coolie' and Arab traders as those who walked in higher circles. To cease patronising these traders was one of the things which each and every one of the Colonists could do in his own sphere. They must not blow hot one day and cold the next. They had a target to shoot and they should mind that their shots were true.

The more sober section of the Colonists felt perturbed. The sympathy and support of the merchants and the wealtheir sections of the community was as necessary for the success of the agitation as of the artisan class. Then there was the wrangle between the Colonial Patriotic Union and the European

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Protection Society. They had identical aims. Two unions working for the same object, independent of each other and more or less as rivals, could only result in the one trying to upset the other with the consequence of failure to both. The Patriotic Union had neither a constitution, nor rules, nor anything but "a roll-book of the names of those who, on Friday night, paid their subscription".[42] There was a disposition on the part of many of those who had been prominent in starting it, to set up an opposition to the merchants of Durban and others who had not so far identified themselves with the agitation. To be successful they must all unite. But how this was to be achieved no one seemed to know. The cauldron continued to simmer.

The Natal Press had all this time kept the public informed fairly closely of Gandhiji's activities in India. From a distance they appeared formidable and filled the Europeans with the fear that the system of indenture would probably come to an end as a result, and hundreds of Europeans would be economically ruined. They resented, too, being shown up in their true colour to the world outside.

In the midst of it all a paper announced that Gandhiji with his family had left Bombay 'some time ago' and was expected to arrive in a week or so. "He comes by the *Courland* or the *Naderi* ... about 500 free Indians accompanying him."[43] The expected arrival of the two Indian vessels was represented as an 'invasion of Natal'. Rumour went round that Gandhiji was bringing with him a 'shipload' of Indian passengers and that this was his first step towards flooding Natal with free Indians. Large meetings were held all over the Colony. The domestic wrangle was forgotten and a wave of anti-Indian hysteria swept over the country. A correspondent wrote to the *Natal Mercury* suggesting what should be done in case that 'shipload' was landed in Durban. They should be accorded the same sort of reception as when a similar shipload of coolies was unloaded in an Australian port. "Crowds in thousands kept the wharf day and night and not one was allowed to land. The cry from thousands echoed and re-echoed; 'Away with them to Calcutta; back to Bombay! No coolies in Sunny Australia! Away with them!'" If this was done a few times it would keep the threatened 'Asiatic Invasion' off their shores.[44]

The scare created by these rumours gave a fresh impetus to the two anti-Indian associations that had been formed. A notice appeared in the advertisement columns of the *Natal Advertiser*, announcing that the Colonial Patriotic Union, which was going to be 'the largest Union yet formed in Natal',[45] had been busy canvassing signatures to the petition to the Government that had been drawn up. One thousand signatures had already been obtained, rules and regulations were being drafted, and it was probable that next week a meeting of the members would be held to discuss and adopt the same. At the same time attempts were made to patch up the

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differences between the Colonial Patriotic Union and the European Protection Society of Maritzburg. The following appeal appeared in the *Natal Mercury* of December 16, 1896:

> Unite ... employer and employee, one and all ... Start an anti-Asiatic league ... persuade every man and woman to join you, and ...organise a thorough system of boycotting ... all those who in reasonable time do not make such arrangements as will once and for all sever their connection with this dangerous element.[46]

If they only did that, it was promised, the 'coolie question' would be solved in less than six months.

This was, however, more easily said than done. Any movement to boycott Indian business, either by the merchants or by the working men, it was realised, was bound to fizzle out. Appointment of a Licensing Board by the voters of each district with 'absolute power' to grant or withhold reail trading licences, as suggested by the Lord Mayor, held out the only prospect of putting a curb on the activities of the 'coolie pests'.[47] But it was more than doubtful whether the Government would favour such a drastic measure.

The news about the plague epidemic in Bombay came in handy at this juncture. The *Natal Advertiser* urged that owing to the obviousness of the danger resulting from the arrival of more han 500 Indians from the infected port, both the ships should be quarantined.[48]

On December 18, 1896, the Governor-in-Council declared Bombay to be an infected port. The proclamation was published in the Gazette on the following day, and it was notified that all vessels arriving from Bombay would be quarantined till further notice.[49]

With a sigh of relief the *Natal Advertiser* observed: "The Colonists will breathe more freely now that they know that Bombay has been proclaimed an infected port ... It is to be hoped the quarantine regulations will be enforced with the utmost vigour."[50]

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CHAPTER II

THE LIGHTHOUSE ON THE BLUFF

1

THE ENTRANCE to the crescent-shaped Durban harbour lies through a channel formed by two stone piers that run parallel to each other for a considerable length. Guarding it on the southern side is the bushcovered Bluff with its summit crowned by a lighthouse and a signal station, and on the northern the projecting tongue of land, known as Point. The Pier on the Point side is known as North Pier and that on the Bluff side as South Pier. Across the mouth of the channel stretches a submerged belt of sand, the Bar.

The incoming ships on their arrival are required to remain at the outer anchorage till they get the orders from the Bluff signal station. After getting the permission they cross the Bar as instructed. Passengers land on the right, or the northern side of the Bay, at any of the three wharves—the public (Main), Paul's Wharf and Bell's Quay. The landing stage or 'jetty', as Paul's Wharf is called, is in the middle. The fourth wharf is on the Bluff side, and is known as the Bluff Wharf.

Running towards the end of the wharves, on the north side of the Bay is the Esplanade Road. Beyond it lies a maze of criss-crossing roads and streets in two parallel series—Smith Street, West Street and Commercial Street running diagonally east to west and Stanger Road, Gardiner Street, Field Street and Grey Street running north to south and intersecting the former at right angles.

Behind the Public Wharf there were at this time to be seen a number of capacious storage sheds. At the back of these was a narrow road, called Quay Side Road. Next came Point Road. It ran up along the coast and then turned sharply inward to merge with West Street.

Besides the regular landing places there is a small creek, known as Cato's Creek, accessible to ferries from ships riding at anchor in the Bay. Comparatively unfrequented, it connects with West Street by Stanger Road. It was a favourite rendezvous of amateur anglers, street urchins, delinquents and dropouts from the town.

No passengers are allowed to land in any of the South African ports before a thorough medical check-up. If a ship is found to have on board a passenger suffering from a contagious disease, she is required to remain in quarantine till she has received a clean bill of health from the health

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officer of the port. No friends or relatives of the passengers may come on board till the yellow flag is lowered.

As there had been a mild form of bubonic plague in Bombay, when the two steamers had set sail, they were both flying the yellow flag. On the day of their arrival they were visited by Dr. Sutherland, the Health Officer, in the *Churchill*. The tug only went within hail of the two vessels, and ascertained that there was no sickness on board. The period of incubation for the plague germs being 23 days, the vessels were informed that they would have to remain in quarantine for five days i.e. "until 23 days had elapsed since leaving Bombay".[1]

On the strength of what had appeared in the papers, the owners and agents wrote to the Health Officer on the following day, asking why the ships had been put in quarantine although they had no sickness on board. No reply being received to this, on the 21st their solicitors, Messrs Goodricke, Laughton & Cooke, sent a cable to the Colonial Secretary of Natal at Maritzburg, informing him that they were preparing a petition on behalf of their clients to seek permission for a deputation to wait on the Governor with Mr. Laughton to introduce the deputation and appear as counsel to argue the case on behalf of their clients for exemption of the two vessels from quarantine.

The Colonial Secretary replied on the 22nd that the question would be referred by the Governor for advice to the Ministers. There was, therefore, no need for a deputation to, or argument before, His Excellency.

The Governor having come down to Durban from Maritzburg, the solicitors wrote a letter to the Honourable Harry Escombe to the same effect. They were told in reply that while the Ministers would be referred to for advice, if it was so wished, a deputation would be received by His excellency on December 23.

The following signals were exchanged between the Captain of the *Courland* and the shore :

From the S. S. Courland *December 19, 1896*

I am getting short of water and must endeavour to get some. Cleaning and disinfecting of ship strictly attended to.

From the S. S. Courland *December 22, 1896*

Our days have expired, are we out of quarantine? Please consult Quarantine Officer, report, we all well; thanks.

To the S. S. Courland

Length of quarantine not decided yet.

At the same time it was learnt that the Health Officer, who had ordered that the ships were to be quarantined until 23 days had elapsed after the day of departure from Bombay, had been suspended or dismissed and

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another officer, Dr. Birtwell, appointed in his place.

During each of the four days of quarantine both the ships were cleaned and disinfected and quarantine regulations were strictly adhered to. Africa bound steamers used to carry just enough provisions to last for the duration of the voyage, i.e. 20 to 21 days. Both the ships had in consequence run out of water and provender for the horses. On December 23, a signal was sent from the *Courland* to the owners to relieve the distress caused by shortage of drinking water and grass for the horses and "to use every exertion (to) relieve us from Quarantine". The reply signalled back was:

> Condense water, hope to hear relief from quarantine this afternoon; send hay off tomorrow morning; have you a mail?

On December 24, the quarantine having expired, Dr. Birtwell, the new Health Officer, boarded the vessels with the Superintendent of Water Police. The Government had appointed a Committee to report on how the two ships were to be treated and the report said that 12 days' quarantine after fumigation, etc. would be necessary. The Medical Officer accordingly, after examining passengers and crew, ordered disinfection and fumigation of the ships, to be followed on the completion of these operations by a further quarantine of 11 days on the *Courland* and 12 on the *Naderi*.

On December 25, in accordance with his instructions, all clothes, mats, blankets and useless articles were burnt, the holds were fumigated and white-washed and clothes hung out. On December 26, the passengers were washed and their wearing apparel dipped in a weak solution of carbolic acid. The following was signalled to the shore:

> *From the S. S. Courland* *December 26, 1896*
>
> Distressed for want of water, send at once, also fresh provisions and stuff, according to order of Quarantine Officer. Is there anything to prevent landing horses, Quarantine Officer having visited us. Perfect health on board, and Quarantine Officer's orders being executed. Relieve us quickly, passengers much distressed at delay. Thanks.[2]

The S.O.S. was repeated on the 27th. The signal displayed at the signal station in reply said: "Have arranged to supply water 9 a.m. tomorrow."

"Distressed for want of water" was then signalled by the Captain of the *Courland* and kept flying for two hours.

On December 28, the previous day's request being repeated, the steam tender *Natal* came alongside at 11 a.m. and put on board a quantity of fresh water, carbolic acid for disinfecting and sulphur for fumigation. On the following day the upper and lower decks were washed with carbolic acid, the ship was thoroughly fumigated as before, and more bedding, mats, bags and baskets, etc. were burnt in the ship's furnaces. The following signal was hoisted: "Disinfection and fumigation carried out to satisfaction

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of officer on board. Please inform Quarantine Officer at once." A similar signal was also sent from the *Naderi* on the same day.

Four hours later at 10 a.m. the Captain of the *Courland* again signalled the shore: "We are ready, waiting for Quarantine Officer." At 2.30 p.m. the stream tender *Lion* came alongside and put the Quarantine Officer aboard. He, after inspecting the ship, expressed complete satisfaction with the manner in which his instructions had been carried out, but said that the ship would have to remain in quarantine *for another 12 days from that date.* The vessels had already been in the outer anchorage for five days when the new Health Officer had ordered fumigation and disinfection operations in regard to them. Following this for six days further, during which all his instructions had been strictly carried out, he had sent no Quarantine Officer to certify the completion of those operations. Thus eleven clear days were wasted before the 12 days' quarantine began.

As the passengers were being put to great difficulty owing to the burning of blankets, clothing and other belongings, the Master of the *Courland* signalled to the shore that unless passengers' bed-clothes, that had been burnt by order of the Government were replaced, passengers' lives would be in danger. He also asked for written instructions as to how long quarantine was to last, "as verbal time changes (with) every visit of (the) Quarantine Officer". The message concluded with a request for "100 fowls and 12 sheep".[3]

The *Naderi* also signalled asking Government to supply at once 250 blankets for passengers, to replace those destroyed by Government, or in the alternative to disembark the passengers at once, as they were suffering from cold and wet and there was danger of sickness in consequence.

These signals being completely ignored by the authorities, the Indian comm ity of Durban started a Quarantine Relief Fund. Blankets and provisions worth some £125 were procured for passengers on both ships. Foodstuffs to the poor passengers were provided free of charge.

2

In the meantime owners and agents had forwarded to His Excellency the Governor the petition that their solicitors had prepared. This protested against the arbitrary way in which the quarantine law was being used to prolong the detention of the two vessels and requested that the Medical Officer of the Port grant pratique to the vessels, as their continued detention was putting them to a loss of one hundred and fifty pounds per day. A Proclamation being a 'publication by authority, or notice public' can by a strict construction of the law apply only to such steamers as may have both left and arrived from an infected port after the notification of the

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Proclamation in question. On legal grounds, therefore, they very strongly objected to a Proclamation, which was published in the Gazette Extraordinary only on December 19, being applied to steamers that had actually arrived on the 18th.

Certificates by competent doctors were appended to the petition, showing that since 21 days appeared to be the maximum incubation period for bubonic plague the passengers could be landed without any danger to the community, and the extension of the quarantine was, therefore, unnecessary. Crowding of large number of passengers on board the two vessels, it was also also submitted, was likely to result in illness and epidemics. A telegram was sent by the owners' solicitors to the Colonial Secretary at Maritzburg asking for a reply to their clients' petition to the Governor. There was no response.

On December 24, after waiting for five days in vain for a reply to their principals' letter of December 19, the solicitors wrote to the Acting Health Officer, requesting him immediately to grant the pratique to enable the two ships to enter the harbour and discharge their passengers and cargo. In case he should refuse, they asked to be informed of the grounds of his refusal.

The Health Officer replied on the same day:

> I am endeavouring to do my duty as Health Officer with due regard to all interests. I am willing to authorise the placing in quaranine on the Bluff, at the cost of the ships, all persons intended to be landed. And when this is arranged for, pratique may be given to the ships after my intructions have been carried out.[4]

Brisk correspondence between the solicitors and the Quarantine authorities followed:

Goodricke, Laughton & Cooke to *Durban,*
Dr. Birtwell *25th December, 1896*

> We ... would draw your attention to the fact that you have given us no reply to the question contained in our letter of yesterday.

Dr. Birtwell to *Durban,*
Goodricke, Laughton & Cooke *25th December, 1896*

> In reply ... I beg to state that I do not consider it safe to grant pratique to the vessels except on the conditions stated by me.

Goodricke, Laughton & Cooke to *Durban,*
Dr. Birtwell *25th December, 1896*

> ... You still give us no reply to the question contained in our letter to you, of yesterday. ... We beg to draw your attention to the Law, by which you will see that pratique can be refused on certain grounds, and we ask you to state your grounds in this case (and) venture to express surprise at your evident reluctance in answering a question which our clients are so clearly entitled to put.

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As the Health Officer had not clearly stated what his precise conditions were for granting of pratique, the solicitors again pressed for the same. The Health Officer replied on the 26th. Evading a direct reply to both the questions, he only reiterated his previous offer: "If you want to get the steamers away, the simplest course will be to arrange for the owners to bear the expense of quarantining the passengers on the Bluff for 12 days after fumigation etc., of the ship, or for any longer period, should such necessity arise."[5] After the landing was effected the departure of the steamers would be facilitated, otherwise 12 days must run after fumigation of the ships, etc. before pratique could be given. But in no case would contact with shore be permitted 'except under proper restrictions'. As regards "any legal points connected with the matter", the solicitors were asked to "please, write to the Clerk of the Peace, as I have nothing to do with them".

The solicitors wrote back the same day, pointing out that Dr. Crookshank and Drs. Prince and Harrison, in their respective reports, had given the period of incubation for plague germs as eight days to 12 days at the outside, whereas it was already 26 to 28 days since the S.S. *Naderi* and *Courland* respectively had left Bombay. Throughout their voyage they had an absolutely clean bill of health. Imposition of quarantine for another twelve days after the disinfection of the passengers and ships was therefore altogether unwarranted. Drawing attention to the fact that the ships had been at the outer anchorage for upward of eight days and that no steps had been taken for their fumigation and disinfection, although on 'Thursday morning last' the said officer had informed them that this would "probably be done in that afternoon", they informed that officer that their clients regarded his refusal of pratique as an illegal action, and therefore refused to be a party to any proceedings by him with regard to placing the passengers in quarantine on shore at their expense :

> Our clients instruct us to protest against such a course, and to inform you that you will be held responsible for all loss caused to them by reason of your refused pratique, and also for the injury to the health of the passengers, which is likely to ensue from being confined to the steamers for a lengthened period.[6]

They also recorded the fact that the Health Officer, on the arrival of the steamers, had stated as his opinion that pratique could to granted without any danger and that if he was permitted he would do so, "but he was, thereupon, suspended by the Government, and you appointed in his place". Also that Drs. Mackenzie and Dumat, who were known for their anti-Indian proclivity, "having been privately interviewed by Mr. Escombe on the question, were at his suggestion called in by you to give their opinion as to the refusal of pratique".

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So the days dragged wearily on. At last the Quarantine Officer said that the matter had passed out of his hands. He had to act on 'instructions' and would permit them to land when he received orders from the Government.

Gandhiji had expected that the ships would be put through a short quarantine. But this quarantine order had 'more than health reasons' behind it.[7] The whole of Natal was in turmoil. The Europeans were determined not to allow the Indian passengers on board the two vessels to disembark. Monster meetings were being held daily. Systematic, sustained agitation for months by the whites, with backing from the Government, had worked up the public feeling against the Indians to fever pitch. The seeds of the situation that confronted Gandhiji had been planted as early as April 7, 1896—even before he had left the South African shores for home in June.

Dada Abdulla had kept Gandhiji well informed of all that was taking place in Durban. Sheth Abdul Karim Haji Adam, the managing partner of Dada Abdulla and Company, also was determined, at all costs, to bring the ships to the wharf and disembark the passengers. Luckily Mansukhlal Nazar of the Nazar Brothers, London, had just then arrived in Durban to meet Gandhiji. He was from Surat—a nephew of Justice Nanabhai Haridas and a member of the Stockholm Oriental Congress. He guided the Indian community. F. A. Laughton, the attorney of Dada Abdulla and Company, became their friend in need. Apart from helping them with his professional advice, he championed them by his open outspoken condemnation of the white residents' conduct.

Braced for combat, Gandhiji went about among the passengers, cheering them up. To make time weigh less heavily he got them to organise games on board the S.S. *Courland*. He sent messages of comfort to the passengers of the S.S. *Naderi* also, and kept them regularly posted with all the news. His example had its effect. With every day that passed, their spirits rose and they became more determined than ever to assert their right to land in Natal.

On Christmas day the Captain invited the saloon passengers to a dinner at which Gandhiji and the members of his family were the principal guests. As usual there were postprandial speeches. Unable to participate in the mood of light-heartedness that usually marks such occasions, Gandhiji chose for his theme Western civilisation, on which even then he had developed strong views that have since become associated with his name. He deplored "the civilisation of which the Natal whites were the fruit and which they represented and championed". The Captain and other friends gave him a patient hearing but appeared unconvinced. Afterwards he had a long discussion with them. In his speech he had described Western civilisation as being, unlike the Eastern, predominantly based on force. One

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of the company shot at him the question: "Suppose the Europeans carry out their threat, how would you stand by your principles of non-violence?"

"I hope God will give me the courage and the sense to forgive them and to refrain from bringing them to law," Gandhiji answered. "I have no anger against them. I am only sorry for their ignorance and their narrowness. I know that they sincerely believe that what they are doing today is right and proper. I have no reason therefore to be angry with them."[8]

The questioner, says Gandhiji, 'smiled, possibly distrustfully'. It was a challenge to prove his faith. He was prepared to meet it. But he had little idea of the shape that it would take.

3

Durban boiled over. The European Protection League and the Colonial Patriotic Union being both committed to a policy of constitutional agitation only, the extremist section among the Europeans felt frustrated and began to organise for direct action. In a letter to the *Natal Advertiser* of December 30, a correspondent, who signed himself as 'Peter Porcupine', twitting the Colonists on their timidity, wrote that if they really had the guts and meant business they would copy the example set by Cape Colony in 1853, when the Home Government had sent a shipload of convicts by the *Neptune* to be landed in Cape Town. "The Colonists, with more backbone in them than Natal Colonists at present display, combined and threatened to fire on convicts and guards." Thanks to the spirit displayed by 'these patriotic men', the officer in charge "deferred until he could communicate with the Home authorities", who changed their mind and eventually directed the ship to proceed to Botany Bay. 'Porcupine', his quills metaphorically all up, went on recklessly to assert that Arabs so-called were not by any means all British subjects. A great many of them came from Portuguese India. "This Gandhi was originally a Portuguese subject *(sic)* ... Many more are from East Coast Portuguese ports, and some from Arabia proper—but it suits them all to call themselves, while here, British subjects."[9]

The following notice appeared in the *Natal Advertiser* of December 30, 1896 over the signature of Harry Sparks, 'Chairman of Preliminary Meeting':

WANTED
EVERY MAN IN DURBAN

To attend a MEETING to be held in the Large room at the VICTORIA CAFE, on MONDAY the 4th January, at 8 o'clock for

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the purpose of arranging a DEMONSTRATION to proceed to the POINT and protest against the landing of Asiatics.[10]

A butcher by trade, Harry Sparks was Captain of Natal Mounted Rifles of the Volunteer Force.

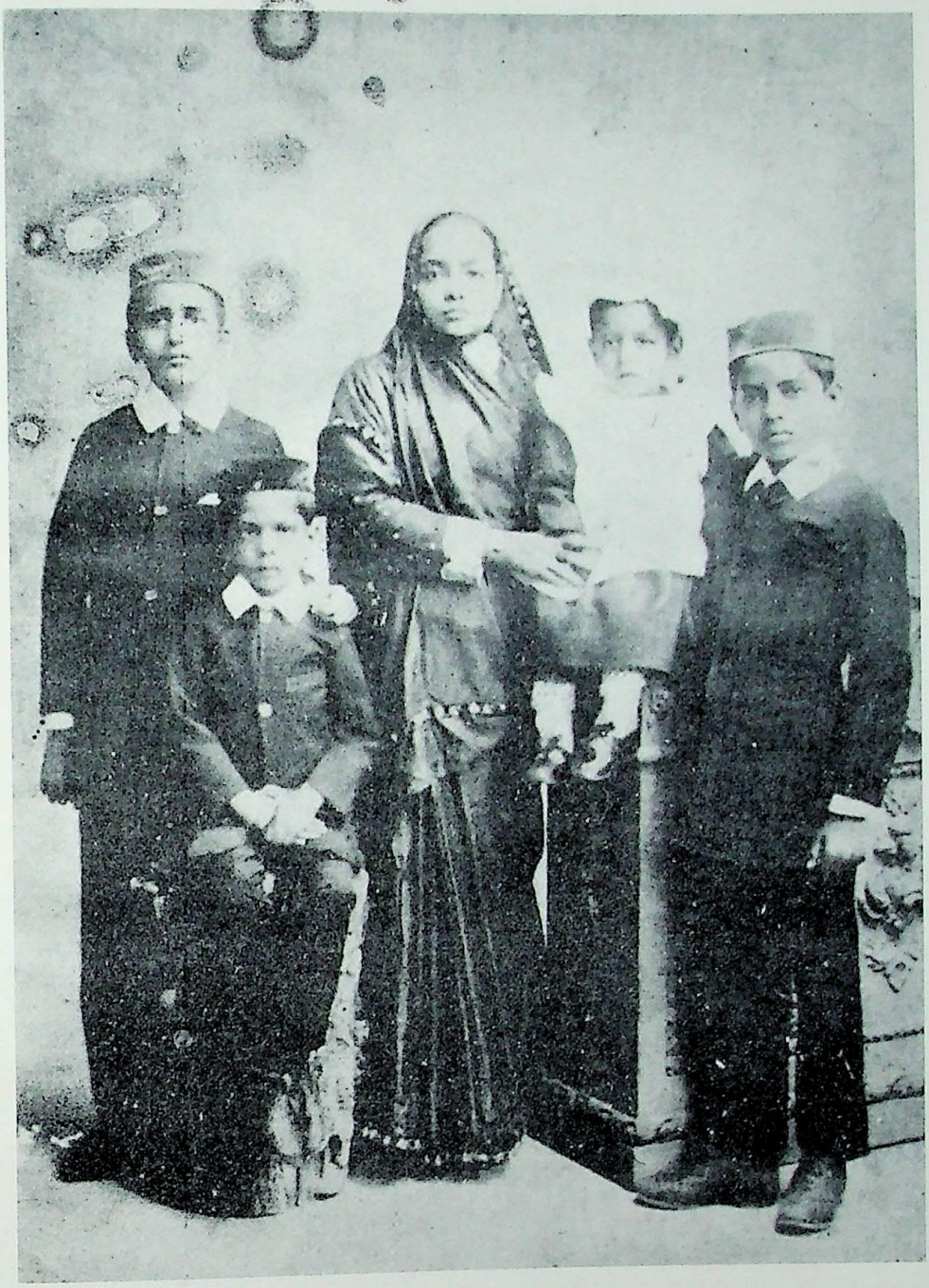
The sinister significance of the move was obvious. The *Natal Advertiser* warned: "The promoters of the demonstration are incurring a somewhat serious responsibility, which we hope they have well considered."[11]

In spite of the warning, the advertised meeting was held as scheduled in the Town Hall of Durban. Nearly 2,000 persons attended. The gathering included several commissioned officers. It passed two resolutions. By one of them it expressed strongly its opinion that 'the time has come' to prevent the landing of any more free Indians or Asiatics 'in this Colony'. It called upon the Government "to take steps to have returned to India at the Colony's expense the Asiatics at present on board the *Naderi* and *Courland,* and to prevent any other free Indians or Asiatics being landed at Durban . The other resolution exhorted every man at the meeting to pledge himself "with a view to assisting the Government" to carry out the foregoing resolution and "to do all his country may require of him", and with that view, if necessary, to "attend at the Point any time when required".

The chief movers were J.S. Wylie, a local solicitor and Captain of the Durban Light Infantry, and Dr. Mackenzie, Captain of the Naval Carbineers who, as one of the members of the Committee appointed by the Government to recommend quarantine measures to be enforced against the two ships, was supposed to have given his opinion with an unbiased mind. In moving the second resolution, he delivered himself as follows:

> Mr. Gandhi (prolonged hissing and hooting) that gentleman came to Natal and settled in the borough of Durban. He was received here freely and openly; ... he had all the privileges of their hospitality. In return, Mr. Gandhi had accused the Colonists of Natal of having dealt unfairly with Indians, and of having abused and robbed and swindled them. (A voice, 'You can't swindle a coolie'). He (the doctor) quite agreed with that. Mr. Gandhi had ... dragged them in the gutters, and painted them as black and filthy as his own skin. (applause) ... It was the intention of these facile and delicate creatures to make themselves proprietors of the only thing that the ruler of this country had withheld from them—the franchise. It was their intention to put themselves in Parliament and legislate for the Europeans; to take over the household management, and put the Europeans in the kitchen. ... Their country had decided that they had enough Asiatics and Indians here, and they were going to treat them fairly and well, provided they behaved themselves; but if they were going to associate themselves with such men as Gandhi, and abuse their hospitality, and act in the way he had done, they might expect the same kind of treatment that was to be meted out to him (applause). However great a misfortune it might be for those people, he could not get over the distinction between black and white.[12]

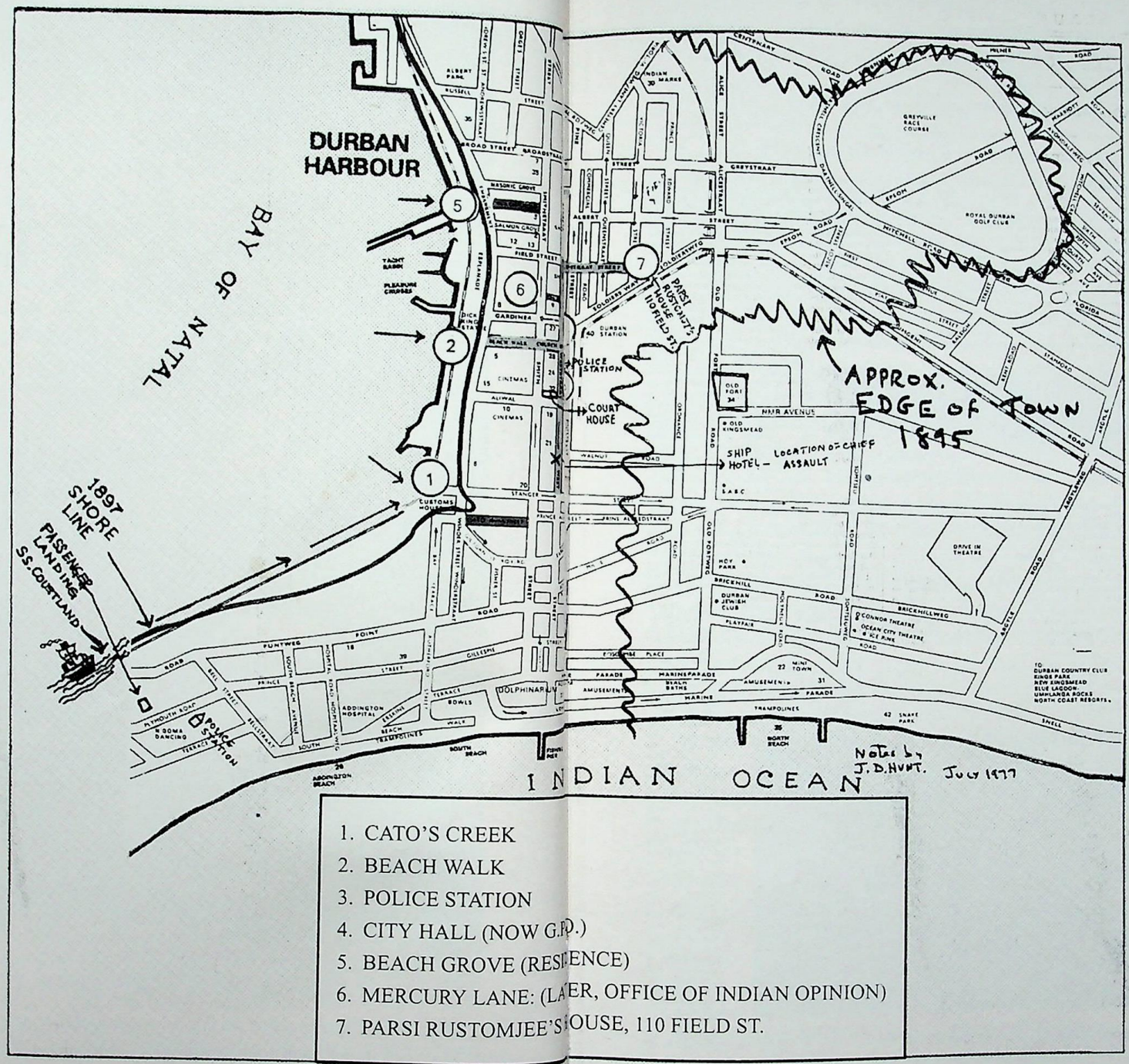
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Members of Gandhi's family :— From left to right: Gokuldas (Gandhi's widowed sister's son); Manilal (second son); Kasturbai (wife); Ramdas (third son), and Harilal (the eldest son). (p. 176)

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Durban Harbour and Town Plan (1897)



The route followed by Gandhi on landing at Cato's Creek is marked:— showing stanger street; Smith Street junction, where Laughton tried unsuccessfully to hire a rickshaw; West Street; past Ship Hotel, the location of the chief assault; across Church Street and Gardiner Street, up Field Street; athwart Commercial Street; ending at No. 110, Field Street; Parsi Rustomji's residence.

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THE COOLIE CURSE IN NATAL.

EXTRAORDINARY PUBLIC DEMONSTRATIONS AT DURBAN.

THE POLICY OF THE NATAL GOVERNMENT.

THE lengthy accounts which have reached us by this mail from our correspondents in Natal make it abundantly clear that the recent demonstrations at Durban against the landing of immigrant Indians were no mere local and passing ebullitions of feeling. It chanced, of course, that their occurrence coincided with the period of plague outbreak at Bombay; but the feeling which prompted them was both deep-seated and wide-spread, and was shared equally by the men of commerce and the European artisans at the Port with the upland farmers. Side by side with the steady growth in the minds of the Colonists of the conviction that a check would have to be opposed to the introduction of the unindentured Indian, there has for long been a desire to put off the day of action as long as might be. The folly of procrastination in the matter has been frequently urged in the Press, and at the time of the campaign to secure responsible Government the advocates of the latter were committed, so far as platform promises go, to a course of remedial action. The Ministry themselves attacked the Indian problem first from the point at which it threatened to most directly affect the Colony itself. In seeking franchise reform which should bar Indians from political equality with the whites, they did not attack the root evil, which is economic in character, and spreads its adverse influence beyond the borders of Natal. The Colonists themselves, however, have risen to a conception alike of their danger and their duty; and although the Durban demonstrations were ineffective in their immediate issue, they have at least rendered it impossible for the Government longer to refuse the Indian question a place as a plank in their political platform. It has become a test problem, and there can be no shirking the solution.

As the matter has already excited a large measure of Parliamentary attention here, it may be as well to detail some of the main incidents of the recent agitation.

Matters of organisation were in the hands of a representative Committee, who arranged plans for the various branches of the trades of Durban. The heads of the various sections, such as railway employés, bricklayers, plasterers, and printers, were appointed, and in every case reliable men were given control. Arrangements were also made by which, directly it was known, by advice from the Point, that the vessels containing the Indian immigrants were coming in, mounted buglers should go through the town and suburbs, summoning the men to the demonstration. A list of names of members (trade or profession mentioned) who were willing to proceed to the Point, and resist by force, if necessary, the landing of Asiatics, and to obey any orders which were given by the leaders, was drawn up; and another matter considered by the Committee was the securing attendance by the closing of the places of business. The following document was drafted to be presented to the various merchants in town:—"As it is very desirable that the proposed demonstration should be as unanimous as possible, if you are willing to close your store, so as to allow your assistants to join, kindly sign below." No violence in any form was contemplated. The different sections of demonstrators represented railway men, point men, printers, carpenters and joiners, store assistants, plasterers and bricklayers, yacht clubs, saddlers and tailors, and general public.

The Organising Committee met on the 8th ult. at 5 p.m. to consider a communication from the Government and to complete plans. As the night advanced the popular excitement became very marked, so much so, in fact, that according to one account which has reached us it assumed almost the pitch of that at the beginning of last year, when the town was pulsating with interest over the Johannesburg crisis. It was rumoured generally that the Indians were to be landed on the morning's tide between four and five o'clock, and the organisers made every arrangement to whip up the townspeople even at that early hour. The "early rising" movement, however, was subsequently discouraged by messengers from the Point. Meanwhile at Maritzburg Cabinet meetings had been summoned, and His Excellency the Governor had driven to the Colonial Office, and had a long interview with the Premier, Sir John Robinson. On the following day and on Sunday everyone remained on the *qui vive*, and about 9.30 p.m. it was intimated that there was every reason to believe that pratique would be granted the vessels early next morning, and the public would receive due information in the manner already notified. Arrangements were made at the Point for marshalling the men in sections, labelled posts being raised to indicate the different positions, and the Committee issuing the following notice:—1. The public will assemble at the different points fixed by their leaders, and take up position on Alexandra Square at the places indicated by the placards. 2. Every man taking part in the demonstration must remember that he is pledged to implicitly obey the orders of the leaders and sub-leaders, and it is to the good sound common-sense of the men of Durban that the leaders look for a successful issue of the cause. 3. The positions on the wharf, and the duties to be performed by each contingent, will be detailed at the Point. It was generally believed that the *Courland* and the *Naderi* would come inside the harbour shortly before 9 o'clock on the following day. The 21 days' quarantine ordered by the Natal Medical Board expired at noon on Sunday, and the belief that they would be brought inside early in the forenoon of Monday was fortified by the circumstance that both vessels were visited by the Government tug, but whether to give pratique or not it was not stated. In the meantime crowds had gathered in the vicinity of the Central Hotel—the headquarters of the Demonstration Committee—in readiness to proceed at the first signal to the Point. The rikisha boys, with an eye to business, had grasped the situation, and for some time ranged themselves at the north side of West Street in a long line reaching from the corner of Gardiner Street to Jameson and Co.'s store. As the morning wore on, the interest in the affair remained unabated, and though the business houses and workshops continued open, it was evident that little work was done. The railway shops and the larger firms in town sent messengers at intervals to the



From a photo. by [*J. E. Middlebrook, Durban.*

THE *COURLAND* ENTERING NATAL HARBOUR.



From a photo. by [*J. E. Middlebrook, Durban*

THE RESISTING POPULACE MUSTERING AT THE POINT.

A vignette from contemporary South African Press.

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In speaking immediately on the resolution which he proposed, Dr.Mackenzie was further reported to have said:

> ... if ... the Indians were going to place themselves on the same platform as the whites, that could only be done in one way, and it could only be done at the end of the bayonet (applause).
>
> They there that night were prepared to go to any extreme in defending their own honour, and in securing to their children places in the Colony, which even now they had given away to the heirs and offspring of Gandhiites (applause).
>
> ... they were going to back the Government up in this matter ... they believed the Government would co-operate with them, and that not a soul would be allowed to land from those two ships in the harbour of Durban (loud applause).[13]

As regards future action, the Chairman remarked at the end, they would be 'duly advised'.

The Demonstration Committee's action was severely condemned by practically the whole of the Natal Press. "If this means," observed the *Natal Witness* on January 6, 1897, "that in the event of the Government declining to give effect to the resolutions as required by the meeting, an attempt is to be made to forcibly prevent the landing of the Indians, we fear, the men of Durban have less wisdom than we have given them credit for ... we trust that the good sense of Durbanites will not permit them to do anything so foolish."[14]

Commenting on the absence of the 'wealthier and more influential men of the community' from the meetings held in connection with the Anti-Asiatic movement, the *Natal Mercury* remarked that the Government could not "act on the voice of one section of the community", or "countenance any violation of law".[15] They must present a united front. And that could be only on the basis of constitutional agitation.[16]

The text of the resolutions passed in the meeting of January 4 being communicated to the authorities, the Principal Under Secretary replied telegraphically on the afternoon of January 6 that as things stood the Government had no power "apart from such as may be conferred by the Quarantine laws" to prevent the landing in the Colony of any class of Her Majesty's subjects. It was, however, in full sympathy with the consensus of public opinion in the Colony as regards the desirability of preventing the overrunning of the Colony by Asiatics, and was carefully considering the question with a view to future legislation. "But I am to point out that its action will be thwarted rather than helped by any action or demonstration of the character indicated in the second resolution."[17]

Referring to the Principal Under Secretary's reply, the *Natal Mercury* wrote that no other reply was to be expected. The Government were not 'omnipotent'. They could not do just what they liked or anybody asked

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them to do. Law could not be made to 'suit the wish of any public meeting'. "The demonstration business was a mistake and under no circumstances was it likely to do the slightest good."[18]

The issue was too important and complex, the *Natal Advertiser* warned the extremists, to warrant their risking everything by an 'ill-advised and premature' resort to violence. They must not let their zeal outrun their discretion or allow it to obscure facts. The immigration of the Asiatics had been 'more than permitted'; it had been 'encouraged' by the Government. There was no legal bar against the coming of Indians into the Colony. It was hardly fair in the circumstances, "to assume towards them the attitude of grim hostility and to make them the scapegoats for their countrymen".[19] Besides, while the demonstration might emphasise the fact that Natal wanted no more Asiatics, would it not "also emphasise the allegations of injustice and unfair treatment which have been brought against the Colonists",[20] it asked. Sternly it concluded, "We cannot regard without apprehension proposals which ... involve reversion to the principle of mob law." It would be the height of unwisdom all at once to burst into hysterical excitement, make 'impossible' demands on the Government, and add to its difficulties "by introducing elements of tumult" which it would be "much easier to call into being than to control". Rather, they should ask the Government to call an early session of the Parliament. That would be a much more sensible and practical way of dealing with the question than 'Point demonstration'.[21]

Both the warning and the advice were wholly lost on the Demonstration Committee. In the meeting held at the Central Hotel on the morning of January 6, to consider the Government's telegraphic reply, several attempts were made to persuade it to abandon 'extreme and unconstitutional' methods. W. R. Poynton, Chairman of the Colonial Patriotic Union, in a last attempt to dissuade the extremists from launching on 'such illegitimate action' as the proposed Demonstration at the Point, invited them to join with the Colonial Patriotic Union in the movement to end the wholesale introduction of free Indians into the Colony by proper legislation. After a two-hour debate the Committee resolved that the Government should be urged to "convey to the Asiatics on board the two steamers the strong feeling against their landing and request them to return to India at the Colony's cost". It further urged that "the Government be requested to call an immediate session of Parliament to deal with the question".

From the point of view of the Committee, the meeting was rather unsatisfactory. The members were not agreed upon the means they should adopt to carry out the policy to which they had committed themselves. They were even at a loss to know on what authority the reply to the Government's telegram should be sent as the Committee, having been formed only recent-

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ly, had as yet little status. After several unsatisfactory atempts to improvise a solution the telegram was sent in the name of Harry Sparks.[22]

Later in the day, Captain Sparks and Mr. Puntan of the Demonstration Committee had an interveiw with Mr. Escombe. The Conference was held in private, and full details were not available. But the outcome of the conference was believed to be 'encouraging' and the deputation appeared 'confident' that Government would secure the return of Indians on board the two ships in the outer anchorage.[23] Their satisfaction proved too short-lived. The following morning the Cabinet met on the anti-Asiatic question. Shortly afterwards the Governor drove to the Colonial Office, where he had a long interview with Sir John Robinson,[24] who had returned from Home leave the previous day to be accorded a right royal welcome on landing at Durban. On the same day the Medical Board decided that the vessels should be released from quarantine and allowed to come "inside of 12 days after the fumigation and disinfection operations had been completed". Since these were concluded on December 29, the steamers should be at liberty to come inside and land their passengers at the main wharf on Sunday, 10th January, 1897.[25]

The Medical Board's decision put the Demonstration Committee in a quandary. On top of it, in the course of another interview with the Demonstration Committee on the same day, Mr. Escombe made it plain to them that the Government could not possibly countenance their action; they must give up all idea of a demonstration and allow the men on board the *Courland* and the *Naderi* to land. Impervious to their arguments, all he promised them was that the Government would "do their utmost as soon as possible" to get legislative power to restrict further immigration and he himself would telegraph to the Prime Minister the resolutions passed by the Committee on January 6, and get his reply in time for the mass meeting to be held in the evening.

But it was no use. As the *Natal Mercury* had warned, it was easier to raise a Frankenstein than to control it. The European feeling had been inflamed by a number of misleading statements that had appeared in the press. One of them was to the effect that there were 800 passengers on board the two ships, all bound for Natal; that Gandhiji had brought with him 50 blacksmiths, a complete printing plant and a staff of 30 Indian compositors and printers "with the intention of starting an Indian newspaper in two dialects",[26] and that he had organised "an independent immigration agency in India to land his countrymen here at the rate of 1,000 to 2,000 per month".[27] A report in the *Natal Mercury* said that Indians on board the *Naderi* and the *Courland* intended bringing an action against the Government for damages for illegal detention in quarantine; that "Mr. Gandhi's ...legal instincts" had "scented a splendid brief" to occupy him "immediately

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on his release from the 'durance vile' of the quarantine and purifying effects of the carbolic bath"; that large sums of money had been subscribed for the purpose, which would "naturally go to Mr. Gandhi, whether the case was lost or won";[28] that probably he had on board some of the other Indians whom, he had said, he intended bringing with him from India; and finally, that among them they had persuaded the Indian passengers on board to sue for damages. It was further being said that the Indians were 'jubilant' over the 'snubbing' which the agitators were believed to have received from the authorities, and had already communicated with the Home and the Indian Governments and invoked their aid. These statements, which later proved unfounded, exasperated still further the European feeling that was inflamed enough already. The leader of the Demonstration, Captain Harry Sparks, said in a meeting afterwards that, when he saw in the *Natal Mercury* the statement that "Mr. Gandhi intended suing the Government on behalf of the passengers on the two ships ... for damages", it made "his blood boil with indignation. He was then determined to take the matter up, and ... suggested that a demonstration would be promoted to protest against the landing of these men". He concluded:

> He had been a volunteer and had served for over 20 years ... He was as loyal as any man there ... but when they placed the Indian subjects on one side and his home and family on the other, the birthright of his children and the memory of his dear parents and what they had done to make the Colony what it was, he would do the only thing he could, and the only thing they could expect of him. ... Rather than this evil, he would be content to hand matters over to the tender mercies of the Transvaal Government—that would be simply a drop in the ocean compared with this evil.[29]

The feeling began to grow among the members that, unless a strenuous effort was made to prevent the landing of the Indians as demanded in their resoiutions, the Demonstration Committee would make itself the laughing-stock of the world. Some of the organisers appear actually to have believed that, as the ring leaders comprised a number of the principal volunteer officers in town, and the rank and file were among the chief agitators outside the Committee, if the volunteers were called upon they would refuse to obey orders.[30] The Committee decided to put the Government's reply to the meeting with the recommendation that the demonstration be held in spite of the Government's views.

4

An open air mass meeting to consider the message received from the Government and to decide upon further course of action was scheduled to be held on Thursday, January 7, 1897 at 5.30 p.m. on the Market Square.

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But owing to rain it had to be held in the Town Hall instead. At the outset the Chairman assured the gathering that the Government were with them 'as far as constitutional lines were concerned'. Mr. Escombe had telegraphed to Maritzburg the representations of the Committee which would be considered by the Government on the following day, and the Attorney-General was himself going up by that night's train to be present at the meeting to do something in the matter.

Other speakers confirmed that the Government were in full sympathy with the objects of the demonstrators; that they would do nothing to oppose them, and that the quarantine was only a device to postpone the landing of the passengers till a special session passed a Bill, indefinitely extending the quarantine to prevent their landing for good. Little wonder then that the gathering cast all moderation and self-restraint to the winds. When the Chairman remarked that they were simply endeavouring "to assist the Government in the matter and if the Government could not do what they wanted, then ...", voices broke in, "we will help ourselves."[31]

Mr. Wylie told the gathering that the action that they had taken had been characterised by the members of the Government as "having done more for this cause than anything that had yet been done within the Colony". But they must be careful not to "blindly jump over the wharf and leave it clear for the others to land".[32] Dr. Mackenzie had said at the previous meeting, Mr. Wylie continued, that

> the Indian Ocean was the proper place for these Indians (applause). Let them have it (laughter). They were not going to dispute their right to the water there; but they must be careful that in what they did they did not give them the right to dispute the right to the land adjoining that ocean.[33]

In a two-hour interview with the deputation that morning, he went on to say, Mr. Escombe had assured them that the Government were with them to a man, and wished to help them and expedite the matter in every possible way. He had, however, said they must be careful not to do anything that would hamper the Government's hands. In their argument to him, they had replied: "If you do nothing, we will have to act ourselves, and go in force to the Point to see what could be done." They had further capped that with the remark that the Government of the Colony would have to bring a force to oppose them. Mr. Escombe had, thereupon, replied that

> they would do nothing of the sort (applause); that the Government were with them, but, he continued, if they put the Government in such a position, that they might have to go to the Governor and ask him to take over the reins of the Government, they would have to find some other person, (interruption) ...[34]

Amid further applause and cries of 'sink the ship' Dr. Mackenzie

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continued:

> He heard a naval volunteer say last night that he would give a month's pay for a shot at the ship; was every man present prepared to pay down a month's pay to carry out the object of that meeting? (applause and cries of assent) ... He thought that the deputation were quite entitled to infer from the meeting they had with Mr. Escombe that morning, that if they went the right way to work, and not do anything to hamper the Government, they would get that session of Parliament at the earliest possible date, and thereby prevent the landing of more coolies until they could get time to pass a law which would last for ever (applause).[35]

Delivering a broadside against the Natal press, Dr. Mackenzie proceeded: "The men of Durban were unanimous ... (early Parliament). He said 'the men of Durban', because there were a few old women knocking about the place (Hear, hear and laughter). They had only to take the tone of some of the leaders of the newspapers, and some of the cautious and sage advice that they had been meting out to them to see the type of men who stuck behind the quill. Men who wrote that sort of thing presumed that the burgesses did not know what was right, and had not got the pluck that was absolutely necessary to do what was right, because a little bit of risk attached to it (cheers)." He ended up with a veiled threat of violence against Gandhiji.

> All but one man on board these boats, lying outside, had no reason to suspect that they would not be agreeably received as emigrants to this Colony. One man might reasonably be supposed to have some suspicions upon that point. That gentleman (Gandhi) was on board one of the boats, and in what he now said, he did not refer to him. They had the right to shut the Port, and they intended to shut it (applause). They would deal fairly by the people, and by the men on these boats, and to that extent, by that solitary individual. But he hoped there would be a marked difference between the character of the dealing. When they got to the Point they would put themselves under their leader, and do exactly what he told them, if he told them to do anything (laughter).[36]

The meeting passed two resolutions:

> (1) That this meeting requests the Government to call a special session of Parliament to take steps to temporarily stop the importation of free Indians, pending the passing of law giving Government these powers.
>
> (2) That we proceed by demonstration to the Point on the arrival of the Indians, but each man binds himself to conform to the orders of the leaders.[37]

A document was circulated among the Durban employees by the Demonstration Committee, listing names of 'members, trade or profession' who were willing to proceed to the Point *"and resist by force,* if necessary,

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the landing of Asiatics, and to obey any orders which may be given by the leaders".[38]

In the course of his concluding speech Captain Sparks announced that they intended to call upon the merchants of the town to close their places of business to allow the men who wished to take part in the demonstration to do so. "Then they would be able to see who was on their side." Several merchants had already promised to do all they could; "others they wanted to show in their true colours". The announcement was received with cries of 'boycott them'.

On January 8, the Demonstration Committee met at the Central Hotel in the morning to work out the details of their plan. A business-like system was organised to prevent the landing of the Indians. Strong bodies of men 'accustomed to obeying orders' were to be lined up in the front ranks. Contingents were to be provided by the Railway, the Yacht Club, Printing Offices, Brick-layers and Plasterers, Storemen, and mechanics generally. Leaders of different contingents were appointed under the overall command of Mr. Sparks. According to a notice that appeared in the *Natal Mercury,* Railwaymen were put under Wylie and Abraham; and brick-layers under Mackenzie. A native section organised by Messrs Spradbrow and R. C. Vincent was under a dwarf native, who, they were told, had been appointed their 'leader'.

The Demonstration Committee met for a second time at 5 p.m. for an hour and again at 9 o'clock for the third time in the course of the day, when it remained in conference till a late hour. A wire was received from the Permanent Under Secretary in reply to the resolutions passed in the previous day's meeting saying that it was Government's intention to introduce at the *ordinary* session of Parliament, which would be held "as early as possible in March", legislation "to restrict Asiatic invasion and to increase the powers of Government in the matter of quarantine". In the meantime the authorities were communicating with the India Government "to arrest emigration from India of persons such as those on board the vessels now in quarantine". It was Government's view, the meassage emphasised, that 'firm, thoughtful, persistent' policy alone could help them attain the goal they all had in mind. Any departure from constitutional means would "greatly add to the difficulties of the position".[39]

As the night advanced the excitement became more intense. It was rumoured that the Indians were to be landed at the morning's tide between 4 and 5 o'clock. At 10.30 p.m. the members of the Committee appeared on the balcony of the Central Hotel and were loudly cheered. Captain Sparks informed the waiting crowd that till then no definite news had been received as to the time of the Indians' landing. As soon as they got the information the trumpeters would give the alarm.[40]

The whole of Saturday, January 9, the demonstration was the one topic

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of conversation. The Organising Committee met in the morning, in the afternoon and in the evening. From 7.30 p.m. on, the public began to congregate in the streets in increasing numbers. By the time the Committee appeared on the balcony of the hotel at about 9.30 a crowd of nearly 1,500 men had gathered opposite the Central Hotel to gain the latest news. They were told by Mr. Jas Fletcher, styling himself head of the 'intelligence department', after the flamboyant fashion set by the Uitlanders at the time of the time of the Jameson Raid, that there was still no definite information as to the time the Asiatics intended to land. To secure the very earliest intimation of any movement of the ships they had been camping out on the Back beach, a twenty-four hour vigil was being maintained, and the horses and buglers were standing in readiness to give the signal. He requested them to take up their places under the instruction of their leaders.[41]

Several attempts were made even at this late hour to dissuade the Demonstration Committee from following extreme counsels. The *Times of Natal* reminded them that there existed no lawful power by which the quarantined Indians could be sent back, or by which others could be prevented from coming in, and that 'although annoying in the present instance', recognition of individual liberty was the sheet-anchor of the constitution.[42]

Referring to Dr. Mackenzie's "dark hints regarding the treatment of Mr. Gandhi", the *Natal Advertiser* wrote: "The mobilisation of people to the Point ... is to be a peaceable one ... but who is to guarantee that no personal harm will befall any of the Indian passengers, after the assembly was worked up?"[43]

They must not forget, the *Star* wrote, that so long as Natal remained a part of the British Empire, *"a circumstance which depends on Britain, and not Natal"*, so long would the Imperial Government insist that the "laws of the Colony shall not be repugnant to the general welfare and development of the Empire". It was true, Britain had neither the power nor the wish to force the surplus Indian population upon any country but she certainly had "the power to decline to allow any portion of the British Empire, where Indian subjects are (were) sought for by one section of the community, to shut its gates against them at the behest of another section of the same community".[44]

"Crowds are not easily controlled", belatedly warned the *Natal Mercury*. "We cannot insist too strongly on the necessity for the most perfect preservation of law and order ... " At the same time with a characteristic ambivalence it went on to add: "If all goes well the demonstration will be so much more moral backing to the Government."[45]

A little incident that happened on the night of the 9th foreshadowed the things to come. A gentleman from Johannesburg, Holburn, claiming

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to represent 'Col. Battington', commenced amid much interruption to harangue the crowd, and offered 'a thousand armed men' to the people of Natal to help them. His offer was received with hisses and groans. "We want none of your armed men; nor any rowdyism," shouted George Spradbrow. Thereupon the man from Johannesburg, who after his performance had retired, reappeared from his hotel, made a rush for Mr. Spradbrow and caught him by the neck. "In defending himself Mr. Spradbrow stuck out with his stick." The man retreated to his hotel 'with a bruised nose'.[46] Shortly after 11 o'clock the crowd dispersed but trams kept running during the greater part of the night.

Nothing of moment happened on January 10. The Committee met at 3 o'clock, transacted some business and received reports from various quarters. In the evening they met again and continued till 9.30, when Mr. Sparks informed the crowd that they had every reason to believe that pratique would be granted to the vessels next morning. Arrangements had been made at the Point for marshalling the men in sections on Alexandra Square, where labelled posts had been raised to indicate the different positions. A notice issued over the signature of Harry Sparks intimated that the positions on the wharf, and the duties to be performed by each contingent, would be detailed by him at the Point.[47] Letters of sympathy and support were received from Illovo, Umzimjubu, Nottingham Road, Estcour, New Leeds, Johannesburg, Dundee, Ladysmith, Verulam and Pietermaritzburg.

5

Through all this time of mounting terror and anxiety the Indian community and the leaders of the Natal Indian Congress had maintained an attitude of unruffled calm. A representative of the *Natal Advertiser* called on Adamji Miyan Khan, Secretary of the Natal Indian Congreess, and Dada Abdulla on January 6, 1897. He found them self-possessed as ever. One of the Indian merchants, whom he interviewed, said that since the Government had not yet offered any opinion in the matter, they did not much care what the agitators said or did. On the Pressman pointing out that the Government had countenanced the agitation by the reply they had sent to the resolution passed on Monday (January 4), he replied that while the Europeans might have the Government's sympathy the Government had not advised them to take any of the steps they proposed. He hoped that the Colonists realised that the supply of indentured labour was not likely to be continued after all that had happened if the Immigration Law was not altered. That was why the Natal Indian Congress had not moved in the matter.

But after what was said by the various speakers at the mass meeting

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of January 7 they felt that they could no longer take a complacent view. Two meetings had been held in the city with the avowedly unlawful object of asking the Europeans to take the law into their own hands. In spite of it the Town Hall of Durban had been made available to them. It had openly been declared by the members of the Committee that violence to the passengers, or to some of them, was contemplated in the event of the Government not granting their request and in the event of the passengers being landed; that in what they intended to do they were but "backing the Government"; that they believed that "the Government would cooperate with them", and that "not a soul would be allowed to land from those two ships in the harbour of Durban". The Attorney-General, in the course of the interview that he had granted to the Demonstration Committee on January 7, had said in as many words that the Government would not oppose the mutinous tendency of the meeting; that the imposition of quarantine was nothing but a means to prevent, if possible, the landing of the passengers; and that a special session was to be called in order to pass a Bill indefinitely extending the quarantine. The extreme danger of allowing a large body of excited men to proceed to the Point for the purpose of Demonstration after the threats uttered by the various speakers at the mass meeting on January 7 was obvious.

On January 8, the owners and agents of the two steamers addressed a petition to the Colonial Secretary, Maritzburg, pointing out to him the menacing situation that had developed in the absence of any steps by the Government to curb it. They were entitled, they submitted, on obtaining the pratique to discharge their steamers' passengers at the wharf and in so doing to "the protection of the Government for passengers and property against lawless acts of the Europeans". But to spare the authorities the necessity of taking any steps which might tend to aggravate the prevailing excitement they were prepared to cooperate with them in taking all necessary steps for the landing of passengers 'quietly and unknown to the public'.

The following day they addressed another letter to the Colonial Secretary in which they drew his attention to the fact that on the list of 'members, trade or profession' waiting to proceed to the Point and "resist by force, if necessary, landing of Asiatics", that had appeared in the *Natal Mercury*, were the railwaymen, who had banded themselves together under the command of Harry Sparks and Messrs Wylie and Abraham; also that Dr. Mackenzie, Member of the Medical Committee, "on whose report steamers were quarantined", was in command of the Plasterers' and Bricklayers' division of the Demonstration. They prayed that Government servants be prohibited from taking any part whatever in the Demonstration.[48]

To their utter amazement, instead of the assurance asked for they received from C. Bird, the Principal Under Secretary, the following reply,

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dated January 11, 1897:

> ... Your proposals for the landing of the passengers quietly and unknown to the public is impossible. The Government understand that you have requested the Port Captain not to bring the vessels inside without special instructions. This action on your part, and your letters now under reply, show that you are aware of the intense feeling throughout the Colony against the landing of the Indians, and they certainly should be informed of the existence and strength of that feeling.[49]

6

While the Principal Under Secretary's reply was on the way, on January 10, the Attorney-General having come down to Durban, Mr. Laughton of the firm of Messrs Goodricke, Laughton & Cooke, the owners' solicitors, took the opportunity to interview him. In the course of it, Mr. Escombe repudiated the statement attributed to him by Mr. Wylie and stated that what he had told the Committee in substance was that "if the Ministers were unable to cope with a Durbtn riot, they would be unfitted to hold office, and would resign".[50] He was also understood to have said that the Government agreed on the following:

> (1) That upon the requirements of the quarantine being carried out, pratique must be granted to the steamers *Courland* and *Naderi;* (2) that upon pratique being granted, the steamers were entitled to discharge their passengers and cargo at the wharf, either by the steamers being brought inside, or by means of tugs and lighters; and (3) that the Government was responsible for the protection of passengers and cargo from the violence of rioters.[51]

To leave no room for a misunderstanding, Mr. Laughton on returning from the interviews sent to the Attorney-General the substance of their talks for confirmation and further intimated that, as set down in their letters of January 8 and January 9, the owners would be willing to postpone disembarkation on the expiry of the quarantine for 'a reasonable time' to suit the convenience of the Government, *provided the loss sustained by them in so doing, which came to about £ 150 per diem, was borne by the Government.*

Mr. Escombe replying on January 11 objected to the conversation between them being put on record. He had understood that the interview between Mr. Laughton and himself was to be regarded as 'private', he said. He did not accept as correct Mr. Laughton's record of what was said by himself and Mr. Laughton.[52]

Messrs Goodricke, Laughton & Cooke wrote back on the following day. Admitting that Mr. Laughton had in his letter asked for a private meeting, they reminded the Attorney-General that before that interview

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"had continued many minutes, you told Mr. Laughton that he was to recollect that every word which he uttered would be reported by you the following morning to your colleagues in the Ministry; and also that you gave him your permission to repeat everything that had taken place between us to our clients".[53] As for the record of the conference, they wrote that while Mr. Laughton stood by the version that he had submitted, they would be glad if the alleged inaccuracies in it were pointed out to them. To this letter the Attorney-General vouchsafed no reply.

On the same day the owners also wrote a letter to Mr. Escombe to express their surprise that his reply had not referred to any of the points raised by them in their letters of January 8 and 9. Pointing out that the Government had "fostered ... rather than discouraged" the menacing attitude of the Europeans of Durban in regard to landing of Indians, and that the steamers had already been at the outer anchorage for 24 days at a cost of £ 150 per diem to them, they gave notice that, failing a definite reply by noon next day giving them assurance that they would be paid £ 150 per diem from the previous Sunday, and that the authorities were taking steps to suppress the rioters so as to enable them to disembark the steamers, preparations would be "at once commenced to steam into the harbour, relying on the protection which we respectfully submit, Government is bound to give us".[54]

They enclosed with it copies of a threatening notice over the signature of Harry Sparks, and of a memorandum written by Captain Wylie, that were served on the Captain of each of the two steamers with the object of preventing the landing of Indians even after the granting of the pratique (see next chapter), and asked if the Government would allow such flagrant acts which could only end in injury, if not death, to many of Her Majesty's subjects.

The legal notice by the solicitors had the desired effect. The authorities were at their wits' end. Twenty-four days had passed already since the ships had arrived. The Immigration Restriction Law had not yet come into being. Fresh legislation giving them the legal power to bar the entry of Indians on the spur of the moment was not possible. The owners and the passengers had refused to be either cajoled or intimidated. The ships could not be kept in quarantine indefinitely. Mr. Escombe had to climb down. From the Point at 10.45 A.M. on the 13th he replied:

> The Port Captain has instructed that the steamers *(Courland* and *Naderi)* shall be ready to cross the bar inward at 12 o'clock today.
>
> The Government needs no reminder of its responsibility for the maintenance of order.[55]

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CHAPTER III

MOUNTING TERROR

1

TWO DAYS after the decision of the Medical Board to grant pratique to the ships in quarantine, at 5.30 p.m. on January 9, 1897 the Captain of the *Courland* received a letter from the owners through Gandhiji advising him, in view of the warlike preparations launched by the Demonstration Committee, "not to move the steamer without express instructions from them". Not even after receiving pratique was the steamer to be moved.

On the following day, quarantine having again expired, the Captain of the *Courland* hoisted the following signal:

> Wish to disembark at once four European passengers. Also send water and fresh provisions. Want instructions as to landing horses. Send fodder. Report we all well.[1]

These signals were all understood at the Station on shore and the Answering Penant was hoisted in answer to each. The air was thick with reports and rumours of all sorts. One report, said to be 'authoritative', was that the Indians at the outer anchorage were to be conveyed to Delagoa Bay and thence to the Transvaal Republic, where work had been offered them on railway construction. Another stated that the authorities had decided to land the 'coolies' at Port Shepstone. As it was Sunday and all Government offices were closed, it was not possible to learn anything definite. But it was believed that an important move would be made by the Government on Monday, January 11, which might bring matters to a head.[2] This continued to be the position till the early hours on Monday.

At 9.30 on the morning of January 11, Dr. Birtwell, the Health Officer, proceeded to the anchorage in the tug *Lion*. At 11 a.m. he visited the *Courland* and *Naderi* and granted the pratique. Shortly afterwards quarantine flags on both the ships were seen to be hauled down. This meant that the movements of the vessels were now at the will of the owners. If they instructed the port authorities to bring the steamers into port, the port authorities would be bound to comply, provided of course the bar was favourable. At about noon Captain Ballard, the Port Captain, being asked by a representative of the Press when the vessels would be brought inside, replied, "Probably this afternoon or tomorrow morning." It would all depend on the

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vessels' draughts and on the tides. The bar throughout the morning was quite smooth, the draughts of the steamers were approximately 17 feet and the low water bar depth about the same. Pressed for more definite news, the port official said the ships could not come in "before four o'clock, and they may very probably come in after that hour".[3]

At 1.30 the tender *Natal* put on board the *Courland* 4800 gallons of water but refused to take to the shore any of the European passengers on board. Four of them were, however, landed after the signal was hoisted to the shore that the European passengers were being refused a passage by the *Natal* and necessary instructions should be issued to enable them to land.

On the same day a threatening notice was served on behalf of the Demonstration Committee on the Indian passengers over the signature of Captain Sparks. Dated January 8, 1897, it was to the effect that the Europeans were in an ugly mood and were determined not to allow the Indians to land. The passengers were given the choice of escaping with their lives if they agreed to be returned to India at the Colony's expense. If in spite of the warning a landing was attempted, the Europeans would resist it by force and push every Indian into the sea. The ultimatum ran :

> As your passengers are ignorant of the state of feeling, and have come here in ignorance, and we have it from the Attorney-General that if your people are willing to return to India, the Colony will pay the expense.
>
> We shall ... be glad to receive an answer from you before the ship comes alongside the wharf, whether the passengers elect to return to India at the Colony's expense, or to endeavour to force a landing against the thousands of men who are ready, and waiting to oppose their landing.[4]

The Captains of the steamers read out this notice to the passengers. Gandhiji interpreted it to the passengers on the *Courland*. Another English-knowing passenger on board the *Naderi* did the same for his fellow passengers. Many of them were bound for the Transvaal, some of the rest were old residents of South Africa, and in any case, everyone of them was legally entitled to land and they were determined to assert their right, the threats of the Committee notwithstanding. A laconic reply was sent back. They would not return.

2

Strange things had in the meanwhile been happening. On January 11, the Union Steamship Company's intermediate steamer *Greek*, having returned from Delagoa Bay with six Indians on board, was placed in quarantine at the outer anchorage. Thereupon a deputation of the Demonstration Committee went to the Point with a 'sufficient number of men' to stop the landing of

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the Asiatics, "should they (the deputation) consider, after enquiries, that they were not entitled to land".[5] At 7.30 in the evening the vessel was released from the quarantine under instructions from the Government. But in accordance with an arrangement between the agents and the Demonstration Committee the deputation proposed to have the Indian passengers put on a lighter, while other passengers were being landed, "pending investigations as to whether they were genuine traders". Later they were allowed to land, when it was found that they were not of an 'objectionable class'.[6]

To all appearances the Committee was acting as if it represented the Government. It had interfered with the landing of the Indian passengers. The port officials had acquiesced in its conduct, and the Union Steamship Company's management had been quite willing to obey the orders of the Committee. The Government, with its known sympathy with the agitation, had failed to assure protection to passengers. The Masters of the two vessels, *Courland* and *Naderi,* became anxious about the safety of the passengers, and hoisted a signal that they would be willing to parley with the Demonstration Committee.

A deputation from the Demonstration Committee, consisting of Messrs Saville, the Secretary of the Committee, Wylie and Fletcher, accordingly went on board the *Courland* and the *Naderi* on January 11, to conduct negotiations as to the return of the steamers. They returned at about 4.30 p.m. bringing the Captain and the Chief Officer of the *Naderi* with them. The Master of the *Courland* joined them after some time. In the course of the parleys the Committee drew up the draft of an 'agreement' to be signed by the two Captains stipulating for the return of all Indians new to the Colony, while allowing those who had been there before and their wives and families to land, provided (a) the return passages were paid, (b) loss suffered by the passengers by the destruction of their clothing and effects was made good, and (c) the ship owners were compensated for the extra expenses involved in having to coal and take provisions at the outer anchorage instead of in the harbour; and for such additional expenses as they might have incurred through the Committee not allowing them to leave the anchorage. The Captains thereupon presented a claim of £ 10,000; £ 7,500 for the *Courland* and £ 2,500 for the *Naderi* as compensation for the return of passengers. The Committee considered this as 'exorbitant' and made their own offer. The Captains said they would take away with them the Committee's offer to submit it to the owners and agents of the ships as they had no authority to act on their own; they could only act as intermediaries.

Throughout the day the Central Hotel continued to be the focus of attention. Rickshaws could be seen parked in the main street in an unbroken line from Gardiner Street near to Field Street, in anticipation of the landing

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of the Indians, while detachments made their way to outlaying parts of the town to be in readiness to pick up fares. Public excitement was kept at white heat by the press. The *Natal Advertiser* published two-hourly editions with 'special' news flashes thrown in between. The hopes of the Durbanite whites rose and fell with each successive handout according to its contents.

> *Natal Advertiser*, Durban, January 11, 12.00 Noon
>
> The *Naderi* and the *Courland* are understood to have now received pratique, but as the tide is flowing out, the ships cannot be brought inside before one o' clock at the earliest, even if it is decided to do so. If they do come in they will, however, be moored in the Bluff Channel.[7]
>
> *12.30 P.M.*
>
> The *Courland's* Captain has refused to come inside, and his ship will leave probably for Delagoa Bay this afternoon. The *Naderi*, however, is expected to come in at about 2 o'clock.[8]
>
> *2.50 P.M.*
>
> Mr. Gandhi and the Indians on board are in a state of 'funk' and several were pleading to be taken back to India direct. The Captain of the *Courland* has signalled to the Demonstration Committee to the effect that the Indians are willing to return from whence they came.[9]
>
> *2.50 P.M. (Special)*
>
> A deputation from the Demonstration Committee (consisting of Mr. Wylie, Mr. Fletcher, and Mr. Saville) has gone over to the *Courland* and *Naderi* to conduct negotiations as to the return of the steamers.[10]
>
> *4.50 P.M.*
>
> The deputation are now on their way back to the shore, ... Dada Abdulla & Co. have telegraphed to the Government asking for protection to land their passengers in the ordinary way. The *Courland's* passengers, ... are still believed to be anxious to return provided their passages are paid back.[11]

In spite of a heavy rainfall in the afternoon a crowd had assembled in front of the Central Hotel looking for information. At about 5 o'clock Dr. Mackenzie appeared on the balcony and announced that 'very important' negotiations were in progress with a view to the return of the ships to India. Those who wanted to know the result should return to the hotel at 9 o'clock when he hoped to tell them that the negotiations had been brought to a successful issue.

As 9 o'clock chimed, there were loud calls for the Committee to announce the result. Mr. Dan Taylor told them that the two steamers were 'fixed outside' and would not be moved pending the negotiations. As for the passengers, whom they wished to see "taken again to the other side of the water", they had "virtually agreed to return if they were paid their expenses". It was all a 'question of £. s. d'.[12]

Mr. Wylie, coming next in answer to calls for more speeches, said that

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they hoped the Indians would go back, but if they did not, the Committee would want the men of Durban. They must hold themselves in readiness.

The crowd was in an excited mood and the speakers were hard put to it to keep it in leash. When Dan Taylor pleaded that as Britishers they should treat the quarantined passengers in a 'proper manner', somebody from the gathering shouted, "All but one man." To humour the gathering the speaker went on:

> They need not be afraid of that one man. They would never get hold of him. He took the precaution to stow himself away in the lowerhold (laughter). No, he begged their pardon, that was under the Captain's (Captain Milne's) orders.[13]

"Where is Gandhi?" the gathering shouted. Answering, Wylie said:

> Where they hoped he would remain. 'Had they' (the deputation sent by the Committee to the steamers) 'seen him?' No. The Captain of the *Courland* had treated Gandhi as he treated the other passengers (applause). He knew their opinion regarding him. There was not much more he could tell them. 'Have you the tar ready for him? Is he going back?' It was their sincere hope that the Indians would be going back. If not, then the Committee would want the men of Durban.[14]

Dr. Mackenzie, coming last, remarked that their position was the same as at first. None of the Indians were to land (applause). He did not think the people would be wanted early, as the negotiations would not be finished till the next day. He asked them to go home and have a good night's rest.

On the morning of January 12 Captain Milne, accompanied by the Master of the *Naderi,* again went ashore and had a long conference with the Point Demonstration Committee. Explaining his position at the outset, he told them that before he started negotiations Dada Abdulla had instructed him that they could "only treat with the Government of Natal". They listened to his explanation without a word, but in the course of the talks that followed they offered to 'guarantee' and pay the amount agreed upon among themselves, even if it meant calling for a 'public subscription throughout the Colony' to recoup themselves, *in case the Government refused to pay.*[15]

Captain Milne's suspicions were aroused. Unwittingly the Committee had overplayed their hand. He asked them point blank: Did they represent the Government? They said they were not the Government but 'believed' that they had the Government's approval for their actions.

"If you are not the Government," Captain Milne told them, "I cannot treat with you any longer", and with that he left the meeting. At half past ten at night the Committee announced that the negotiations had failed; the responsibility for the failure of the talks rested wholly on the shoulders of the two captains, who had "gone back on their word and failed to send

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any reply to the terms that had been offered them".

Captain Milne's version of the circumstances that led to the breakdown of the negotiations came out next day. When he met the Committee on the 11th night, he stated to the *Natal Advertiser,* he was given the impression that he was meeting representatives of the Government. Believing that 'they were the Government for the time being' he had entered into negotiations with them. As long as they did not categorically deny that they were the Government, the negotiations continued. But on Tuesday morning, January 12, when the negotiations reached a point when it became necessary to have the status of the Committee clearly defined, he was informed that the Committee were not the Government. He thereupon terminated the talks.

Late at night on January 12, the members of the Committee had another meeting with the Attorney-General but without any success. Subsequently it transpired that the Government had refused to provide the amount asked for for the repatriation of Indian passengers, and the Committee, far from providing it on its own, had actually asked the Durban Municipality for a refund of 12 guineas, which they had paid for the use of the Town Hall for holding their meeting, on the ground that the meeting was held in the interest of the whole of Natal and that the Municipal Committee had adopted a resolution in its favour by 6 votes against 5!

3

Slowly truth began to show through. Two of the European passengers brought to the shore on January 11, who had arrived from Bombay to carry out some contracts on the Uganda Railway, being interviewed by a representative of the *Natal Advertiser,* severely condemned the action of the Colony in preventing the Indians from landing. They spoke of Gandhiji as a 'thorough gentleman', and gave the lie to the statement that he was in a 'funk' and that the majority of the Indian passengers were 'anxious to return, being too frightened to land'. Instead of Gandhiji and the Indians 'being afraid to land', they said, 'they were anxious to land'.[16] One of them, Mr. Clark, stated that he had been authorised by Gandhiji to say that he felt very sore over misrepresentations in the press; that if he were permitted to come ashore under a safe escort, and were guaranteed a fair hearing, he would deny that he had ever said one word in India that was not there in the pamphlet published in Natal; that he was in no way connected with any organisation for the importation of free Indians; that no printing press was on board, no compositors and no blacksmiths; and that on the *Courland* there were only seventy passengers for Durban who were newcomers.[17]

The number of Indian passengers, one paper stated, was not more than

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'one sixth' of the total number of passengers on the two boats. In the course of an interview the Captain of the *Courland* confirmed that the number of passengers destined for Natal was only 70; the Captain of the *Naderi* stated that the total number of passengers on board his ship was 356, including children. Out of these, 100 to 120 had already been residing in Natal and were returning after a visit to their country. Among the fresh arrivals there were women who were coming to join their parents or husbands domiciled in Natal. Nearly 40 passengers had embarked from various ports where the steamers had touched during the voyage. A number of passengers were landing in Natal *en route* to the Transvaal. There was not a single artisan on board.

Regarding the quarantine the Captain said that it had caused great hardship to the passengers. Asked what he thought of the quarantine, he said, "I have been swearing for ten years against Turkish quarantine, but it is not nearly so bad as that of Natal."[18] The Chief Engineer, answering the question whether he had been to the port of Durban before, said, "Never, and I will never come again. I will go to some port where there are Christian people." Both the Captain and the Engineer made no secret of their sympathies being entirely with their passengers who, they said, 'seemed quite respectable people'. Many of them, they had no doubt, had 'spent all their savings in procuring their passages'. It was the Committee who were breaking the law. Whatever the Indians might be they were entitled to justice.[19]

The Demonstration Committee was forced to eat humble pie. It had failed to prevent pratique being granted. It had then tried diplomacy and again failed. The passengers had refused to return to India even at the Government's expense.

On top of it, a communique from Maritzburg, dated January 12, 1897, announced that the Parliament had been prorogued till March 4. This meant that the Government had no intention of calling a special session for dealing with the Indian question.[20] If a special session were to be called and a Bill brought forward, Harry Escombe told Mr. W. R. Poynton, the Chairman of the Patriotic Union, it was a question whether the Council would ratify it and it was even very doubtful if the Imperial Government would agree to such hasty legislation as the one proposed by the Demonstration Committee.[21]

Faced with the prospect of a complete debacle of their plans and consequent loss of face, the Committee became reckless. On the evening of January 12, Dan Taylor announced that they believed there would be a movement early the following morning. The Committee had a strong sentry at the Point. The tugs were being watched carefully. If they were moved it would be known within a minute or two and the buglers would

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be ready to give warning. He hoped everybody would keep on the alert. Fearing lest any of the demonstrators should get under the influence of liquor, the Committee persuaded the proprietors of the two hotels at the Point to issue instructions that directly they got the word from them the bars should be closed.

4

At 7.10 in the morning on January 13, both the *Courland* and *Naderi* were visited by Government tug *Churchill,* and the Captains were informed by Pilot Gordon that orders had been given by Government to bring the vessels inside. They were told to heave short the cable and to be ready to go inside at 10.30. This being a distinct order from the Government through the Port Captain, the Master of the *Courland,* in view of the instructions by the owners that he was not to move without orders from them, requested Pilot Gordon to notify them that he was entering the harbour on Government orders.

Shortly afterwards a reporter of the *Natal Advertiser* proceeded to the outer anchorage, on an assignment by the editor, to interview Gandhiji on what Mr. Clark and his fellow European passengers had casually mentioned to a colleague of his on the previous day. He found Gandhiji very well informed about the position that the Committee had taken up, having been supplied with all the newspapers up-to-date. Denying categorically that he had libelled the Colony, Gandhiji characterised the cabled summary of his pamphlet as misleading and disclaimed responsibility for Reuter's mis-statements. There was no organised attempt under his leadership to swamp the Colony with Indians. He had tried to induce some gentlemen to come who "I thought, would be able to replace me ... I was absolutely unsuccessful. They refused to come." There was no 'entire printing plant', no '50 blacksmiths', no '30 compositors' on board. Such statements were calculated to inflame the passions of the European artisans and the working people in Durban.

Out of the 600 odd passengers on board the *Courland* and *Naderi,* he showed that only 200 were for Natal, the rest were bound for Delagoa Bay, Mauritius, Bourbon and the Transvaal. The number of newcomers was only 100 out of whom 40 were ladies. This left just 60 newcomers to be accommodated in Natal as storekeepers' assistants, traders on their own account, and hawkers. Equally baseless was the report that he had been advising people on board to institute legal proceedings against the Government for unlawful detention. The owners and the agents had given notice of action against the Government for illegal quarantine and detention. Rumour had ascribed that action to the passengers and, as he was on board, the

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Natal Mercury had gratuitously presumed from this that he must have had a hand in it.

On the question of stopping free immigration and permitting indentured Indians to come, he said that, he believed the Indian Government would object on the ground that they were all British subjects. The Colony had been importing one class of Indians but did not want to have another class. "It is very inconsistent ... a sort of leonine partnership. They want to get all the advantages that can possibly be gained from the Indians, but do not want the Indians to have any advantage whatever." If the Colony wanted the one it must accept the other.

In regard to what he was alleged to have written in his pamphlet about the treatment of the indentured Indians, he pointed out that his critics had altogether missed his point. The thesis set forth in his pamphlet was not that the indentured Indians had been receiving 'cruel' treatment. It was not a question of 'the ill-treatment' of Indians, but of the 'legal disabilities' that were placed on them. "I have even said in the pamphlet that ... the treatment, that the Indians receive was owing to the prejudice against them, and what I have endeavoured to show is the connection between the prejudice and the laws passed by the Colony to restrict the freedom of the Indian."[22]

Totally repudiating the statement that the object of their agitation was to swamp the Colony with Indians, he said that it was not even to have the status of the Indian in the Colony defined, but to have the Imperial question decided once for all; namely, "What status will the Indians outside British India have?" Had he not an 'ulterior object' in publishing his pamphlet? The ulterior object was "to have the status of the Indians decided to our satisfaction ... in terms of the Proclamation of 1858". What was his object in coming back? Not to make money, but to act "as a humble interpreter between the two communities ... so long as both the communities do not object to my presence". Were there not some indentured Indians on board these boats? "No." An unauthorised agency for bringing Indians under contract to render domestic service was illegal, according to the Indian Immigration Law.

Had the Indian Congress no intention of starting a newspaper in Natal? He admitted there was an intention, not by the Indian Congress but by a body of workers who sympathised with the Congress, of starting a paper. But the idea had to be given up "simply because I could not see my way to devote my time to that and other work". He had instructions to bring material and Indian type, but he did not bring anything as he found that it would be impossible for him to work it. "Had I been able to persuade the gentleman with whom I was negotiating to come over here, I might have brought the material, but as that fell through, I did not do so."

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"What is your plan of campaign?" his interviewer finally asked. "My plan of campaign now is, if I am allowed time, to show that there is no conflict of interests between the two countries; that ... there is absolutely no danger of the Colony getting swamped ... The free Indian population really remains stationary. The law of supply and demand regulates the inflow and outflow of passengers."

The Reporter was satisfied. To every searching question he had received a full straight reply without any frills or subterfuge. With a warm handshake he advised Gandhiji, in view of "the strong feeling against him" in the town, to be "exceedingly careful in regard to disembarking, since he was determined to land".[23]

"He puts his side of the case very ably," the *Cape Argus* commented, "and as matters stand, in a way that is legal and reasonable and practically impregnable. He stands by the Proclamation of 1858."

It is more than doubtful whether this statement would have had any effect on the course of events that followed in the afternoon that day, considering the frenzied pitch to which European feeling had been worked up. As it was, it appeared in the *Natal Advertiser* only on the following day.

5

Long before the owners knew it, the news that the ships were to be brought inside some time about noon that day, January 13, spread throughout the town. Immediately at the Central Hotel, the headquarters of the movement, the members of the Committee gathered to issue the final orders for the demonstration. The plan of action had been precisely laid down. The burgesses would go down the Point when summoned by bugle call. The various sections under their special leaders would then take positions previously marked out. Should the Indian vessels come alongside the wharf, the demonstrators would line up alongside the vessels in a compact mass, and linking arms present 'a human rampart' against the passage of any Indian who should attempt to cross the gangway to come ashore. If the Indians attempted to land, they would be in for a rough time. On the other hand,

> if they remained on board, afraid to disembark, they would be defeated and scared into hysterics by the hooting, groaning, and the jeering of the assembly. But the end was to be the same as originally intended—'no landing at any price.'[24]

About 10 o'clock trumpeters were got together. At 10.30 the bugles to rally were sounded outside the Central and mounted trumpeters galloped through the streets and suburbs to call the burgesses to the front. Immediately the alarm was given the shopkeepers put up their shutters and

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closed their premises, as agreed upon beforehand, to enable their employees to participate in the demonstration and the people began to flock to the Point. From every door and from every street and alley they issued forth in an unending stream. Large numbers walked, hundreds availed themselves of rickshaws, crowding in twos and threes and "bringing a small harvest to the 'boys' between the shafts". Special trams were put upon the Point service, and trolleys and carts of all descriptions were requisitioned to cope with the extraordinary rush.

Shortly before 12 o'clock the muster on the Alexandra Square was completed. The numerical strength of the various sections was as follows: Railwaymen, 900-1,000; Yacht Club, Point Club and Rowing Club, 150; Carpenters and Joiners, 450; Printers, 80; Shop Assistants, about 400; Tailors and Saddlers, 70; Plasterers and Brick-layers, 200; General Public. 1,000; Native section, 500. A crowd of over 3,300 men had thus collected to oppose by force the landing of 600 odd Indians.

First to arrive were the railwaymen. Marshalled four abreast they were headed by a banner, bearing on the front a patriotic device embracing the Rose, Shamrock and Thistle. Others followed, each section being received with loud cheers as it arrived. Great uncertainty was felt on board the two vessels as to what form the Demonstration would assume. As the time approached for the ships to weigh anchor, the passengers on board were ordered below and the vessels were got under steam. From the shore they could be seen lying at anchor a good distance out.

Captain Milne of the *Courland*, who exhibited the bolder attitude of the two, was allowed to have his vessel taken in first, although she lay further up the coast than the *Naderi*. Fearing for the safety of his passengers, as the Government had taken no steps to ensure it, he had the Union Jack run up the forecastle head, the red ensign was placed above the ship's houseflag at the main mast, and the red ensign was also exhibited at the stern. His instructions to his officers were that they were to prevent any demonstrators from coming aboard, but if they did come aboard, the Union Jack was to be hauled down and presented to the invaders. His idea was that "no Englishman would seek to molest those on board after his surrender".

At 11.30 the *Richard King* steamed out to attend the *Naderi*, and the *Churchill* the *Courland*, with Pilot Sam in charge of the one and Pilot Nurse of the other. On board the *Richard King* was Hon. Harry Escombe, the Attorney-General. At 11.50 the Pilot came off in the tug *Richard King*, the *Courland* was got under way and taken across the bar. At 12.45 the Port anchor was let go and the vessel moored head and stern to buoys. In the meantime the Attorney-General had been pulled aside the *Courland* in a rowing boat. Going up to the Master of the *Courland* he said: "Cap-

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tain Milne, I want to inform your passengers that they are as safe under the National Government laws as if they were in their own native villages."

The Captain asked if it was advisable for him to allow them to land. The Attorney-General replied that the Captain had better see him again. After making a similar communication to the *Naderi*, Mr. Escombe was pulled ashore to address the assemblage.

A crowd of over 5,000 had practically taken possession of the wharf. Lining the entire water front, from the south end of the main wharf to some distance along the north pier, was an unbroken row of people who occupied every point of vantage. As the boats approached, the people moved to the north pier. Towards this spot was also seen to be moving a large body of natives, armed with sticks. Most of them were 'togt boys'. Some were servants of members of the Committee. One of the members, it appears, had specially taken advantage of the occasion to advertise his firm by sending down his store boys, each armed with two or three sticks with him firm's name appearing in glaring letters on the backs.[25] At their head was a dwarf native, who, they were told, had been appointed as their leader. His antics, as he "marched up and down in front of their ranks officering them, while they went through a number of exercises with their sticks and danced and whooped",[26] provided an excellent diversion to keep the natives out of trouble. The Indians on board did not seem to be very frightened and Gandhiji and a few others, who were on deck, were seen looking on with unperturbed expressions.[27]

The main body of the demonstrators, who had thronged the vessels at the main wharf, could not be seen from the incoming steamers. Those on the embankment, when they saw the *Courland* laid alongside the Bluff Channel, were taken aback and were seen rushing hither and thither entirely at a loss how to proceed. Presently they all left to attend the meeting on Alexandra Square, and this, as the *Natal Advertiser* put it, "was the last that the vessels were to see of the much talked of Demonstration".[28]

6

From the moment the *Courland* came within the range of vision from the main wharf, all eyes were strained to watch her movements. Seeing one or two small boats plying about her, someone cried out that the Indians were landing at the Bluff. But none of the boats landed any passengers at Bluff. Some craft were then seen to come in the direction of the main wharf. It gave rise to fresh surmises which proved equally unsubstantial.

At 12.50 the Attorney-General landed at the main wharf's landing stage and was escorted by members of the Committee to a pile of sleepers

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on Alexandra Square from where it was proposed that he should address the assemblage. At 12.25 he mounted the timber pile, and round this stack the crowd began to converge from the various positions they had taken up to oppose the landing of the passengers. It was a quarter of an hour before all the sections had mustered from the wharf.

The gathering was becoming impatient for speeches which were being delayed to allow the rest of the men to assemble. Someone in the crowd called out that if money was wanted to secure the return of the passengers £ 10,000 could be raised on the spot 'in five minutes'. He was put down by a member of the Committee who shouted, "No, you can't." Others shouted, "Where's the doctor?", "Where's the Government?", "Where's Escombe?", "Suppose all the coolies land on the other side, while we are here?", "Speech", "Have you got Gandhi?", "When we've got hold of him, we won't hurt him!", "Get the tar pot!" For some time pandemonium prevailed. Presently three cheers followed for Dr. Mackenzie, when he appeared on the scene, and one for Mr. Sparks. A call for 'a cheer for Gandhi' was responded to with deep groans.

A few minutes later the native regiment rushed past on the road 'brandishing sticks and chanting their war songs'. They were kept well together, following their diminutive leader; Superintendent Alexander, mounted, brought up the rear. Soon they were sent out of harm's way.

Cheers were raised for Mr. Escombe, and about ten minutes past one he began his speech. The gathering was in a militant mood. He had been in no small way responsible for raising the storm. He had openly expressed sympathy with the objects of the Demonstration Committee. He had led them to think that the authorities would provide the money if the Indians would agree to be returned to India at the Colony's expense and had told them that the Government would not oppose them by force even if the people proceeded to take the law into their own hands. He had calculated that the Indian passengers would be scared by the threats of the Demonstration Committee and the European crowd and not insist on landing. The scare having failed, he now set about with all his mesmeric power over the people to persuade the gathering to disperse.

He did his job with consummate skill. He complimented the people on their discipline and capacity for organisation. He announced that he was there on behalf of the Government, who intended to trust the crowd. "I want you to understand that this Indian question is not merely a Natal question, but relates to all South Africa and the Empire at large, and a question of that magnitude cannot be dealt with by a single incident of the campaign, but fought out by a thoughtful, firm, and persistent policy, and you are working to assure that policy—to strengthen our hands in carrying it out ... I have just come ashore from the two ships outside. I

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went to the outer anchorage, and I gave a message from your Commitee. My authority was the authority of the electorate of the largest constituency of the Colony, and that is strengthened by the comradeship of my colleagues in the Ministry, and by my position as servant of the Crown. In that representative capacity I told these men that the demonstration was not against them as individuals, but against the system, which was wrong and had to be corrected; and they not unnaturally coming at a time of considerable excitement had been simply the means of bringing out what was underlying before they came. So far as they were concerned, they had no knowledge of the strength of that underlying feeling, and were therefore innocent. And being innocent men, coming without knowledge of that strong feeling, those men are as safe to land in Natal as if they were in their Indian villages. I call on this meeting to ratify the pledge given by me on behalf of the Colony and Durban."[29]

His remarks were received none too kindly. Someone shouted, "Send them back". The Attorney-General reassuringly proceeded. A Bill dealing with this question would be introduced in the earliest session of Parliament that could be held. Any new law must be submitted to the Imperial authorities, and if it had the appearance of haste or hysterics, the Home people would say, "Think it over, and when you come to a quieter frame of mind, then we will see what the grievances are." (Voices: "Special Session"). They had been asked to hold a special session (applause). He congratulated the Committee on having the power to force an earlier session of the Parliament than would have been held under ordinary circumstances. "The Government had telegraphed the Indian Government ... to secure their good offices in preventing any further large emigration from India, until such question was dealt with by law. (A voice: Why don't you bring Gandhi ashore? Get the tar and feathers ready.')".

Mr. Escombe: "What the Home Government most assuredly would see by that demonstration was that Government would be difficult if not impossible unless the wish of the people in this matter was respected ..." (A voice 'Ooh').

Adroitly changing the note, the Attorney-General appealed to their Imperial sentiment. They belonged to an Empire presided over by probably the greatest and grandest of women ... This was the 60th year of Her Majesty's reign ... it should never be said that anything that took place in Natal caused the least sorrow or sadness in the heart of that great sovereign (applause, interruption and cries of 'nonsense', 'bosh'). With loyalty to the throne all would come right in the end. He asked them to trust the Government as Government had trusted them and join him in singing 'God save the Queen' (applause, and cries of "Where's Gandhi?").

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Harry Sparks then spoke and met with an equally stormy reception. He said they must submit to the Government (groans and dissension). Government had taken the matter in hand. ("Too long", "Special session wanted", "What have you brought us down here for?") They had achieved their object. (Ironical cheers). He was perfectly willing to leave the matter in Government's hands. ("No, no"). A public meeting would be held at the town-hall that night. ("What are we to do now?") He had given them his reply; he left the question with Government (dissensions and demands for 'the doctor').[30]

Dr. Mackenzie tried to calm the crowd. They must have the Government assure them that they would use every legitimate effort to prevent any more of these shiploads of Indians coming into the Colony (voices: "What about these two?", "What about this lot", and laughter). In relation to this lot—the matter was a very simple one—("Shut up"). They had taken up the position that these Indians should not land in Natal. (applause, and voices: "Stick to it", "order, order"). As far as they were concerned that day, these Indians had been afraid to land. They had taken refuge by anchoring in the channel. The Government had now stepped forward. If Mr. Escombe were now to tell them that so far as the Government were concerned, not another shipload would come until the question was put straight by law, they should be prepared to say that the matter should be left with the Government. They were not to drop the agitation. The agitation was given over into the hands of the Government.

Having manoeuvred the crowd into that position, he went on to humour them with some more clap-trap about their not wanting to be lumped with the 'low type Indians ... miserable refuse of the social gutters of India'. But when he came to the assurance given by Mr. Escombe that they were going "to deal fairly with the coolies", he was again interrupted with, "You told us they were not going to land" (laughter). "These men had not landed." "Why did they not stop outside the bar?" (laughter).

Dr. Mackenzie concluded his speech by asking Mr. Escombe to tell them what the Government intended doing to prevent further shiploads of Indians coming into the Colony before legislation could be effected.

The Attorney-General replied that Government would do "everything in their power, which was of the nature of legitimate action", for the purpose of stopping any further Indians "except in regard to those Indians required to labour on the land". As regards the special session, if the Government were fit to represent them, they were fit also to tell them the proper date to pass the laws necessary ("no, no"). If anybody thought they could do better, the Attorney-General concluded, if anybody thought they could accomplish in February what Government con-

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sidered best done in March, they had best do it.

The audience wanted to hear Mr. Wylie who with his Irish brogue and Irish wit satisfied all their expectations by his diatribes against the 'coolie'. It was pretty plain that it was not a mere matter of "chucking one solitary coolie over the deckside into the sea". The coolies in India were "as plentiful as ticks in this colony" (laughter). He would ask any man in this crowd, if, "when he picked off one from his legs, he were free from them for ever". They had to go about the matter in the 'thorough manner', the Committee had told them ... They wanted time to deal with it and should calm down. Referring to those who wanted the demonstrators not to disperse he said: "Some men said, 'Stand here.' How many men could stand there a month? A man's stomach must be filled or he could not stand on his legs (laughter)."

Dan Taylor, coming last, told them that the Government had been sleeping. The demonstration had served to wake it up. As for those two ships, he was "as game as anybody to take a coolie by the neck and throw him overboard". But his head was cool enough to guide him to protect himself against the consequences that might flow from such an act. Besides he would call himself 'a miserable cur' if he took hold of 'a half-starved coolie and threw him overboard'. He was sure, so far as the Indians on the two boats were concerned, no Englishman wished to use force. Regarding that man Gandhi, "the greatest service they could do him would be to do him injury" and make him "a hero and a martyr" to his cause. "The greatest punishment which could be inflicted upon him was to allow him to live amongst them. *If he lived amongst them they would have the opportunity of spitting on him which they would not have if they wiped him out.*"[31]

The meeting then quickly dissolved after giving three cheers for Mr. Escombe. The speeches of various speakers appeared to have allayed, at least for the time being, all interest in the Indian passengers. For, even while the concluding oration was still proceeding, the crowd had begun to melt away at the edges and make for the town, without even enquiring or waiting to see when the passengers would land. At five minutes past two o'clock the meeting was over, speeches having occupied fifty minutes. On dismissal by the Chairman, the crowd fell apart and each made a rush for the open road, prompted even more by the demands of the inner man than the ardour to get back home. Every available rickshaw was quickly pounced upon. The majority had perforce to walk, trams and other vehicular traffic being totally inadequate to cope with the surging tide. Nearly all the stores were reopened and canteens did good business. Dissatisfaction was expressed by a number of working men, who felt they had been 'humbugged' by the Committee. They had been sent to the Point to prevent the Indians from landing, they said, not to

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look at them; now not only had the Committee consented to their landing but the resolution as to a "special session had practically been torn up by the Committee". But on the whole the feeling was that whatever had happened was for the best.

7

Some two hours after the crowd had dispersed the two steamers came into port. The Point had by then, to all intents, resumed its normal appearance, and the Indian passengers, landed in small batches in a ferry, hardly attracting any notice. In the meantime, Mr. Escombe had sent a message to Captain Milne that, in view of the strong European feeling against Gandhiji, he and his family should be advised to land quietly after dusk, when the Superintendent of the Water Police Mr. Tatum would escort them safely home. Gandhiji agreed to act accordingly.

Half an hour later, however, Mr. Laughton came aboard and told the Captain that he would like to take Gandhiji with him ashore should he have no objection. Noticing a slight hesitation on the Captain's part he added: "As the legal adviser of the Agent Company I tell you that you are not bound to carry out the messages received from Mr. Escombe." Going up to Gandhiji next he said, "If you are not afraid, I suggest that Mrs. Gandhi and the children should drive to Parsi Rustomji's house whilst you and I follow them on foot. I do not at all like the idea of your entering the city like a thief." Everything was now quiet, he reported, the whites had dispersed, but in any case he was dead opposed to his (Gandhiji's) entering the city stealthily.

"I do not think I am afraid," Gandhiji answered, "it is only a question of propriety whether or not I should accept Mr. Escombe's suggestion. Besides we have to take into consideration the Captain's responsibility."

Mr. Laughton smiled. He had seen the innuendoes that had appeared in the press. Gandhiji had been depicted as a coward in a funk hiding himself below decks in the *Courland*, and afraid to land, while he was busy on board securing briefs from the passengers against the Government. If he sneaked into the town under cover of darkness, Mr. Laughton felt, it would lend colour to those libellous statements, and lose Gandhiji the confidence and respect of the public as a political leader. His worst opponents could not wish for anything better. "What has Mr. Escombe done for you that you must heed his advice?" he said to Gandhiji. "And what reason have you to believe that he is actuated by kindliness and has no ulterior motive? I know more than you what is happening in the town and what hand Mr. Escombe had in the happenings here."

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Gandhiji had long known Mr. Laughton as a dear friend and had great confidence in his legal ability. Often he had consulted him in difficult cases and engaged him as his senior, but his solicitor friend's *a priori* distrust of the Attorney-General jarred on him. He interrupted him by a shake of his head in dissent.

Not minding the interruption, Mr. Laughton continued: "We might assume that he is actuated by the best of motives. But I am positively of opinion that if you do not comply with my suggestion you will stand humiliated. I would therefore, advise you, if you are ready, to accompany me just now."

Referring to the concern expressed by Gandhiji about the Captain's responsibility, Mr. Laughton continued: "The Captain is our man and his responsibility is our responsibility. He is accountable only to Dada Abdulla. I know what they will think of the matter as they have displayed great courage in the present struggle."

Gandhiji was satisfied. "Let us then go," he replied, "I have no preparation to make. All I have to do is just to put on my turban. Let us inform the Captain and start."

Taking leave of the Captain, Gandhiji, accompanied by Mr. Laughton, left the *Courland* at his own risk, without informing the Water Police. It was 4.30. Shortly before 5 o'clock their boat was seen making for the Creek by some European youngsters, who were fishing. Quickly recognising Gandhiji, they gave the alarm and joined by several people began to run after the boat, picking their way along the reclaimed area to the Creek. As soon as Gandhiji and his friend landed the youngsters began to shout "Gandhi", "Gandhi, Boo-oo", "Thrash him", "Surround him". Some began to throw pebbles. They were joined by a few grown up Europeans and the crowd began rapidly to grow.

The sky was overcast and the sun was not to be seen. Parsi Rustomji's house was a good two miles away, at least an hour's walk from the dock. Scenting danger, Mr. Laughton hailed a rickshaw. Gandhiji had an innate repugnance to making use of a vehicle drawn by fellow-men. But there seemed to be no choice. He was about to take his seat when the European boys laid hold of the two wheeler with a view to overturning it and threatened to beat up the puller and smash his vehicle to bits if he took the Indian in. The Zulu rickshaw puller, frightened out of his wits, exclaimed 'kha' (meaning 'no') and, refusing the proffered fare, took to his heels. Attempts by Mr. Laughton to engage other rickshaws proved equally unsuccessful. Gandhiji and Mr. Laughton in consequence proceeded townwards on foot, followed by a yelling mob, which snowballed and became more excited and threatening with every step they advanced. On getting near Messrs Parker, Wood & Co.'s establishment at the junction of West Street, the principal thoroughfare of Durban, the crowd had

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swollen to such an extent as to block all further progress. The jeering became more pronounced. Gandhiji and his companion were surrounded.

A man of powerful build, Mr. Laughton tried to protect his charge, but he was torn away and Gandhiji became the object of kicks and cuffs. Mud, stones, stale fish and rotten eggs began to be showered upon him. A burly European coming up from behind shouted: "Are you the man who wrote to the press?" and slapped him in the face, following it up with a brutal kick. Another fellow gave him a cut with a riding whip. A flying stone struck him on the temple and blood flowed. His turban was plucked away and thrown down. As the result of the attack, "he was very much bespattered, and blood was flowing from the neck. He was very much dazed, and at one time seemed to become a bit faint, but ... he bore himself stolidly and pluckily through the trying ordeal."[32]

"I was about to fall down unconscious," Gandhiji records in his autobiography,

> when I held on to the railings of a house nearby. I took breath for a while and when the fainting was over, proceeded on my way. But it was impossible. They came upon me boxing and battering ... I had almost given up the hope of reaching home alive. But I remember well that even then my heart did not arraign my assailants.[33]

Providentially the wife of Mr. Alexander, the Superintendent of Police at Durban, happened to be coming from the opposite direction. Both she and her husband knew Gandhiji very well. (see *The Early Phase*, pp. 452-55). Recognising him, she cried out 'cowards' and bravely rushed to his rescue. Although it was cloudy and there was no sun, she with her womanly intuition quickly opened her umbrella to deflect the stones and put herself between him and the crowd, convinced that the Europeans would not insult or hurt a lady, especially the wife of their popular Police Superintendent. As the fusillade on Gandhiji could not be continued without the risk of harming her, the assault slackened and for the moment the fury of the mob was checked.

Meanwhile an Indian boy who had witnessed the incident had run for the police. On getting the information Mr. Alexander sent a posse of constables from the Central Police Station to protect Gandhiji and escort him to safety. They took charge of him and ringed him round. Along West Street, across Gardiner Street and up Commercial Street the excited procession wended its way, the hooting and noise attracting more and more people as they progressed. But with the crowd increased the number of Police also, till close upon a score were in attendance.

"I expected something like this," Gandhiji was heard to remark, as he approached Field Street. Being cautioned about going further than the police station he said, "I am going to my house and leave it to their justice".

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Those who saw him were struck by his calm appearance.

At the Police Station the Superintendent of Police was waiting for them. He asked Gandhiji to take shelter in the station. Gandhiji declined the offer. He must reach his destination where arrangements for his stay had been made, he said. "They are sure to quieten down when they realise their mistake. I have trust in their sense of fairness."

The crowd had by now increased to several hundred and included many Kaffirs. But the police managed to land him safely in Parsi Rustomji's house and stationed a number of detectives round the doors.

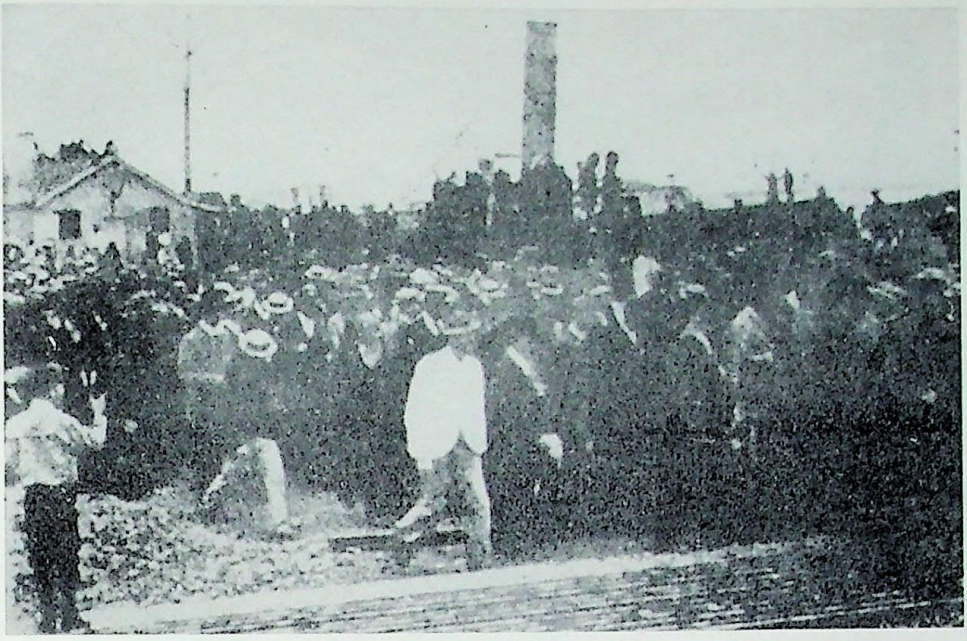
No sooner was Gandhiji secure inside than the shutters were put up and the door locked. There were not many wounds, but he had bruises all over. One of the blind wounds in particular was very painful. Dr. Dadi Barjor, the Medical Officer of the *Courland,* had already arrived there. He examined the injuries and gave first aid. On his way back, he was taken for Gandhiji by some urchins, who began to boo and jeer. It was only when he turned round and faced them that the mistake was discovered.

Amid the uproar, which ensued on Gandhiji's disappearance into the house, some impromptu orators tried to make speeches. They were told to shut up. Everybody was too excited to listen to them.[34] One individual took it upon himself to appear as a friend and supporter of Gandhiji and fair play, but was at once recognised as having been prominent 'in the warmness of his reception of Mr. Gandhi' in the demonstration at the Point also, and his demand for 'perfect silence' was met by a prolonged uproar. Some others followed him. "But as they mostly talked nonsense they were not listened to, and were mainly useful to the small boys as a convenient butt for their more pointed than polite wit."[35]

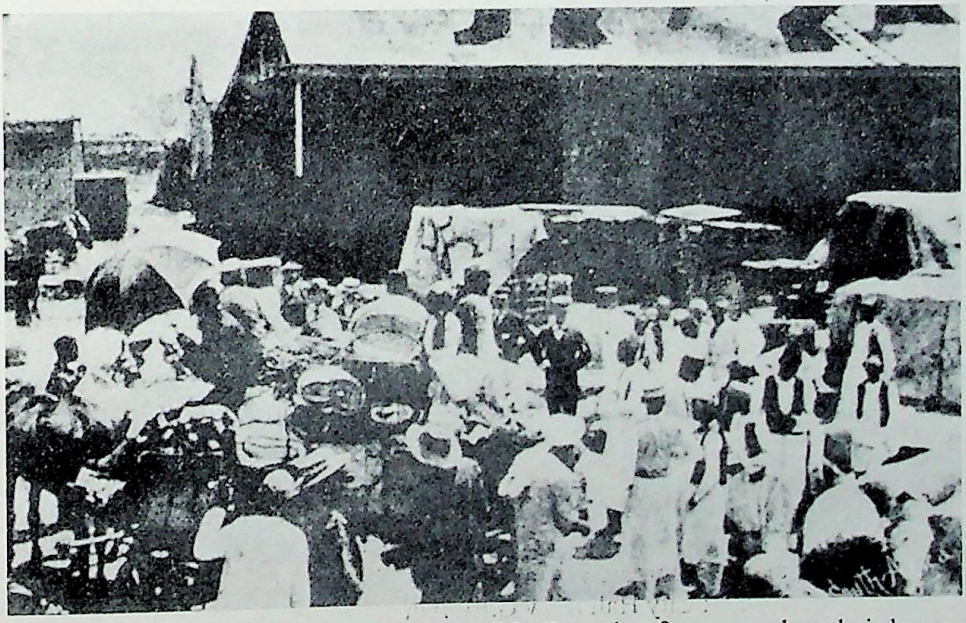
8

Inside Parsi Rustomji's house it was perfectly still. But outside a frenzied mob was shouting: "We want Gandhi." The Superintendent of Police tried to persuade the crowd to disperse, both goodhumouredly and warmly but to no purpose. As the news spread, more and more people flocked from all parts. By 8 o'clock a compact mass of several thousand had collected and completely surrounded the house. Every outlet to the building was closely watched. So threatening did the crowd become that the Superintendent sent for the Deputy Mayor, Mr. Ramsay Collins, to speak to them and bring them to reason. Mr. Collins came and appealed to the assemblage not to spoil the good effect of the "remarkably good order that they had maintained throughout the day". It was 'un-English' for a crowd to attack one man, when he had already suffered. Would those, who were ready to support law and order and to stand by him, come

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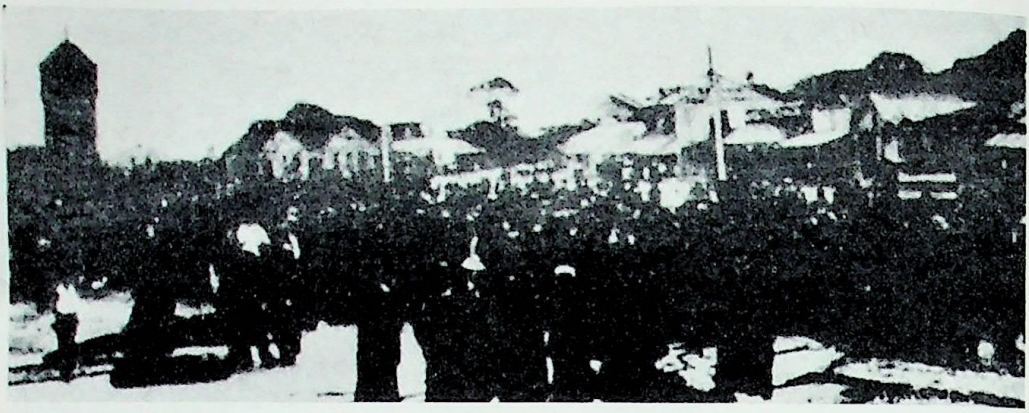


Anxious to hear Harry Escombe, the Attorney General. (p 48)

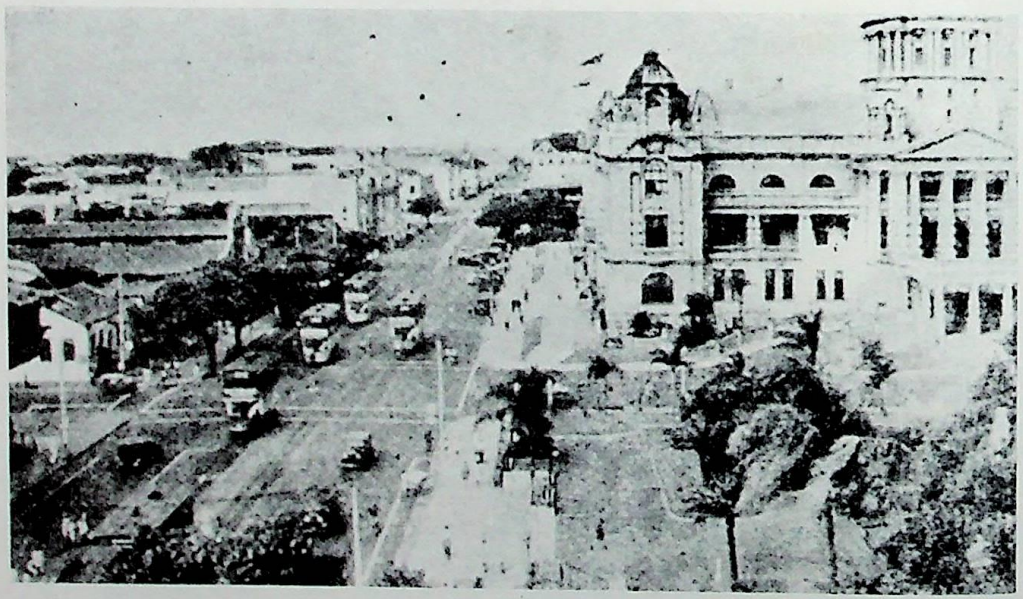


"After the Opera was over" — the "undesirables" starting for town when their luggage had been examined at the customs. (p 53)

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A snap at the crowd. (p. 48)



West Street: the main thoroughfare of Durban, the site of assault on Gandhiji in January, 1897; City Hall (now G.P.O.) in the background

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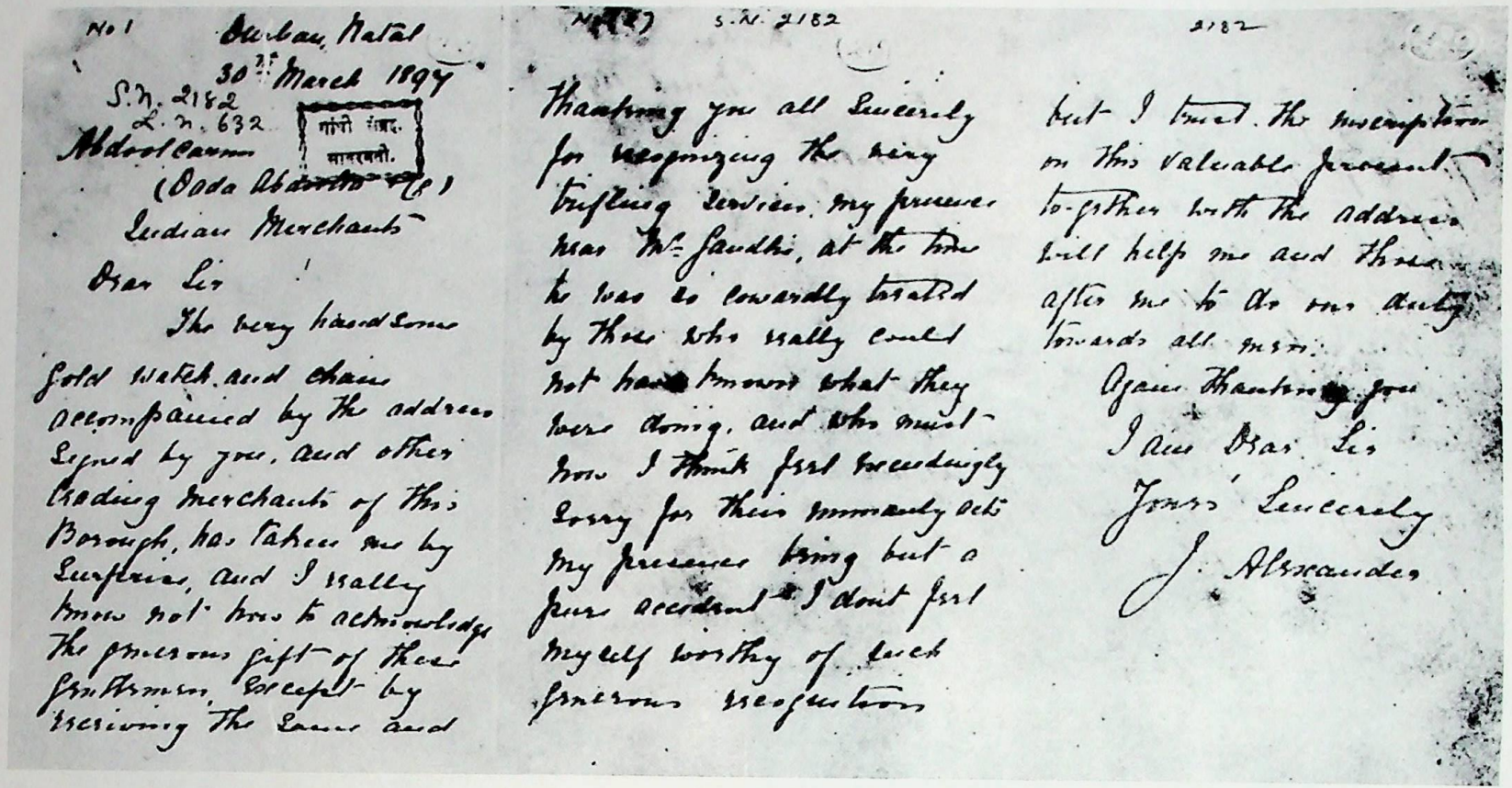


Sir Muncherjee Bhownaggree—Champion of the S. A. British Indians in Parliament (p. 103)



Parsi Rustomji whose house was threatened to be burnt by the white mob unless Gandhi was handed over to them.

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No 1 Durban, Natal
30th March 1897
S.N. 2182
L.N. 632
Abdool Carim
(Doda Abdulla & Co)
Indian Merchants
गांधी संग्रह
सावरमती.

Dear Sir

The very handsome gold watch and chain accompanied by the address signed by you, and other leading merchants of this Borough, has taken me by surprise, and I really know not how to acknowledge the generous gift of these gentlemen, except by receiving the same and thanking you all sincerely for recognizing the very trifling services my presence was to Mr. Gandhi, at the time he was so cowardly treated by those who really could not have known what they were doing, and who must now I think feel exceedingly sorry for their unmanly acts my presence being but a pure accident. I don't feel myself worthy of such generous recognitions but I trust the inscription on this valuable present together with the address will help me and those after me to do our duty towards all men.

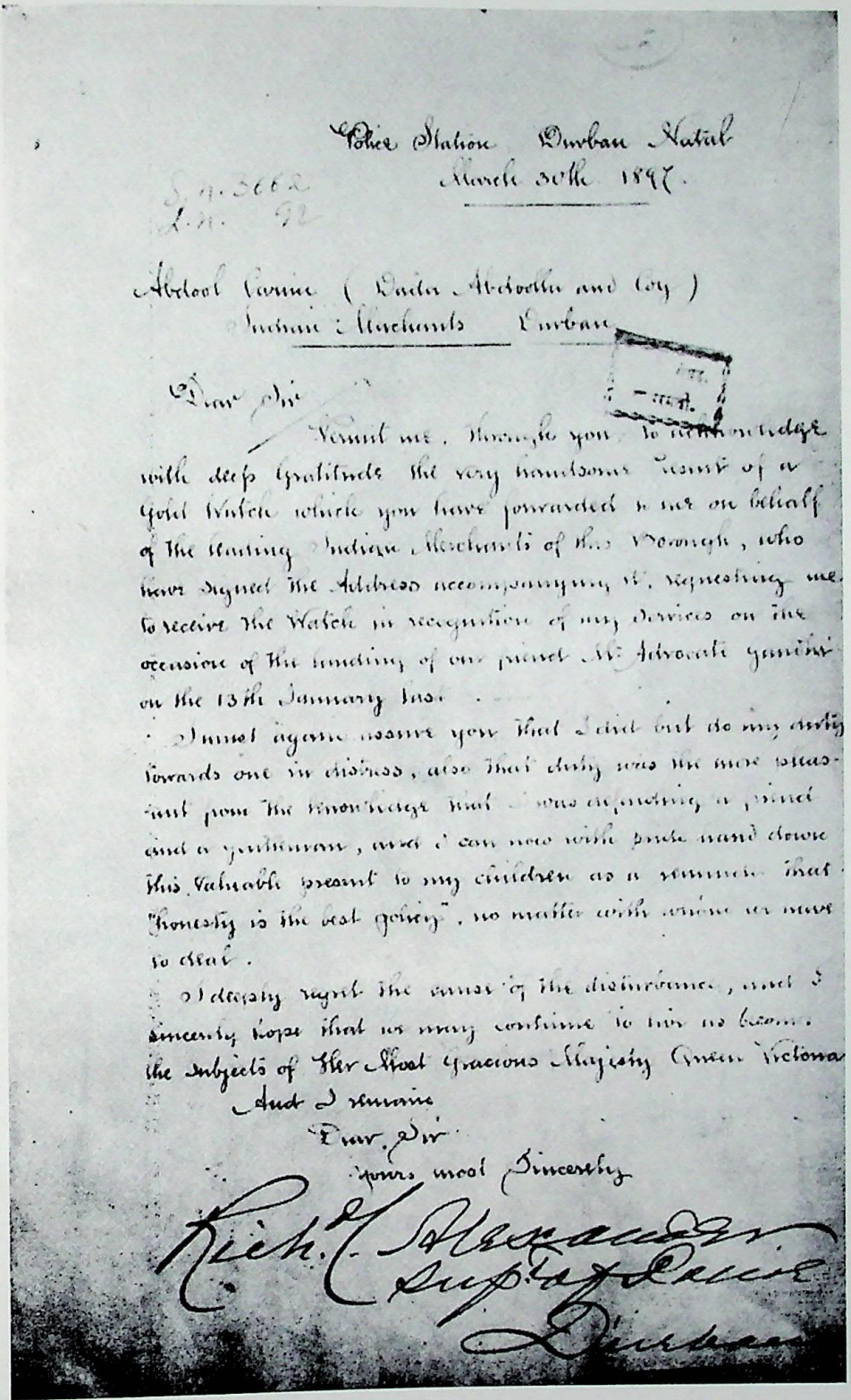
Again thanking you
I am Dear Sir
Yours Sincerely
J. Alexander

S.N. 2182

2182

The Police Superintendent R. C. Alexander's letter of thanks to the Indian traders for their and addresses (p. 71)

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Police Station Durban Natal
March 30th 1897.

Dy. 3662
L.R. 92

Abdool Carrim (Dada Abdoolla and Coy)
Indian Merchants Durban

Dear Sir

Permit me, through you to acknowledge with deep gratitude the very handsome present of a Gold Watch which you have forwarded to me on behalf of the leading Indian Merchants of this Borough, who have signed the Address accompanying it, requesting me to receive the Watch in recognition of my services on the occasion of the landing of our friend Mr Advocate Gandhi on the 13th January last.

I must again assure you that I did but do my duty towards one in distress, also that duty was the more pleasant from the knowledge that I was defending a friend and a gentleman, and I can now with pride hand down this Valuable present to my children as a reminder that Honesty is the best policy, no matter with whom we have to deal.

I deeply regret the cause of the disturbance, and I sincerely hope that no may continue to live as loyal subjects of Her Most Gracious Majesty Queen Victoria

And I remain

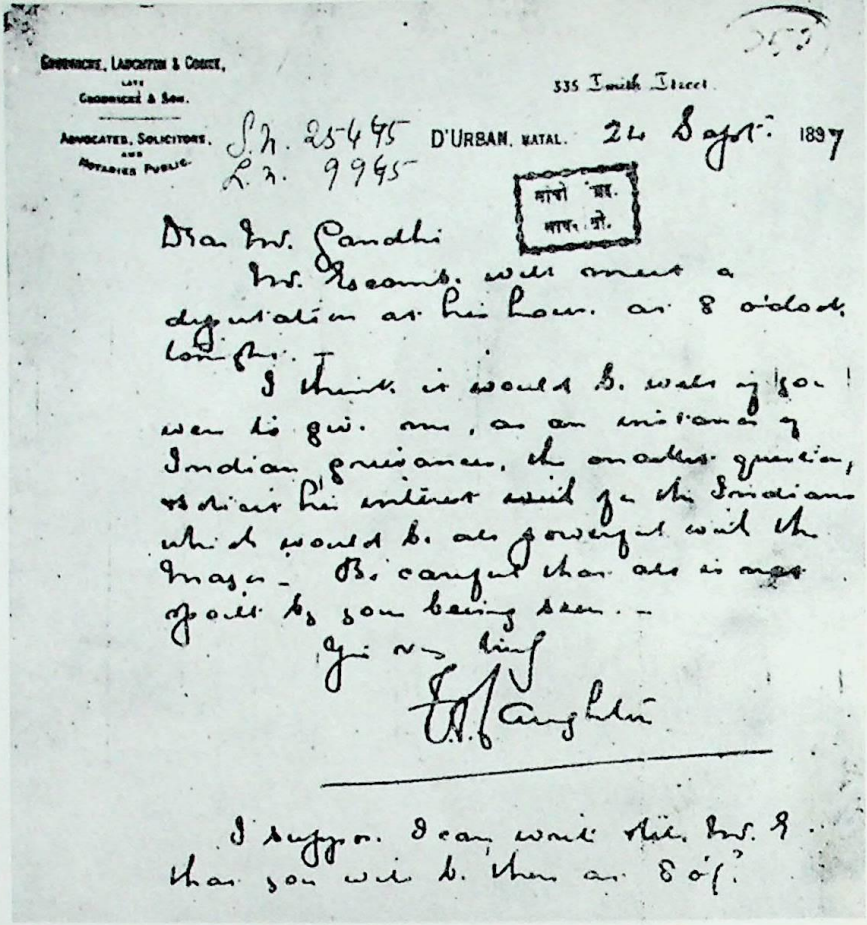
Dear Sir

Yours most Sincerely

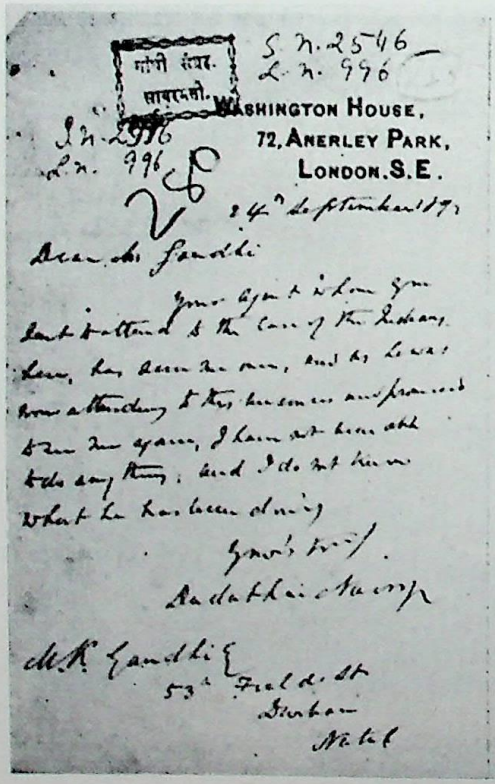
Rich. G. Alexander
Sup. Police
Durban

Mrs. J. Alexander's letter disclaiming any title of praise for coming to Gandhi's help when he was threatened by the white mob. (p. 72)

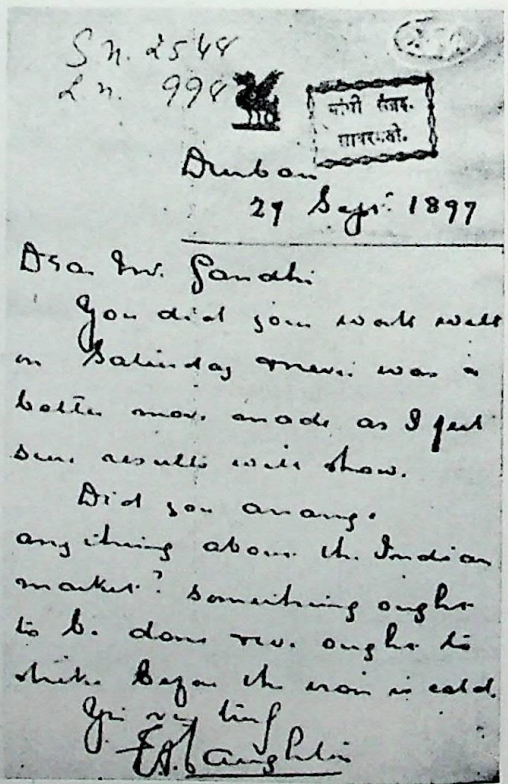
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Mr. Laughton to Gandhi, suggesting a meeting with Mr. Escombe at night : "Be careful that all is not spoilt by your being seen." (p. 122)

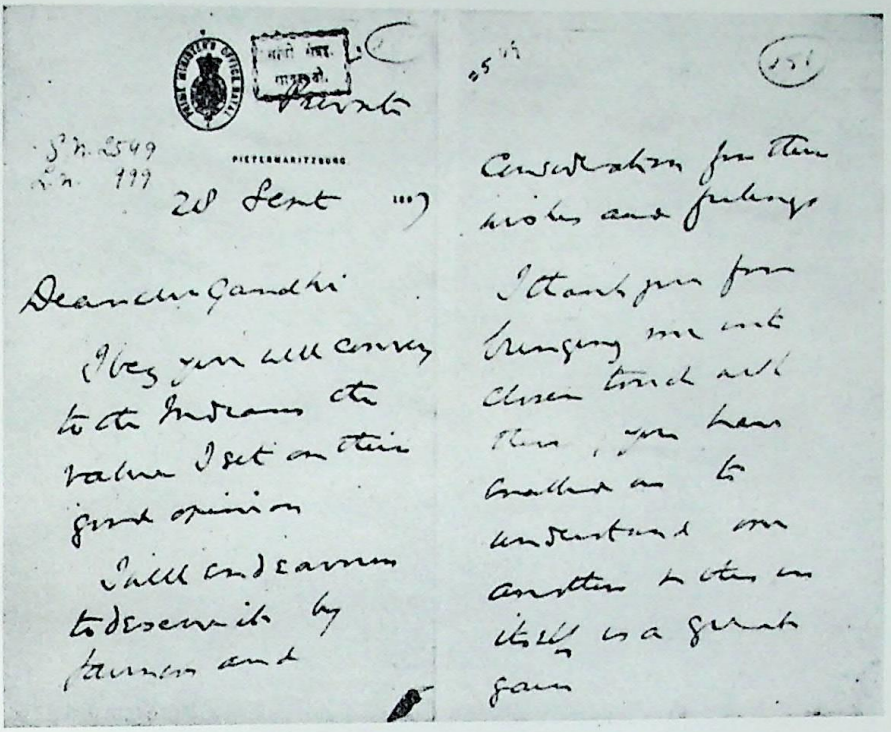


A note by Dadabhai Naoroji to Gandhi : "Though far advanced in age, Dadabhai was very regular in his correspondence."



Laughton to Gandhi after the meeting with the Attorney General : "You did your work well on Saturday." (P. 122)

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Private

S.N. 2549
Ex. 199

PIETERMARITZBURG

28 Sept 1909

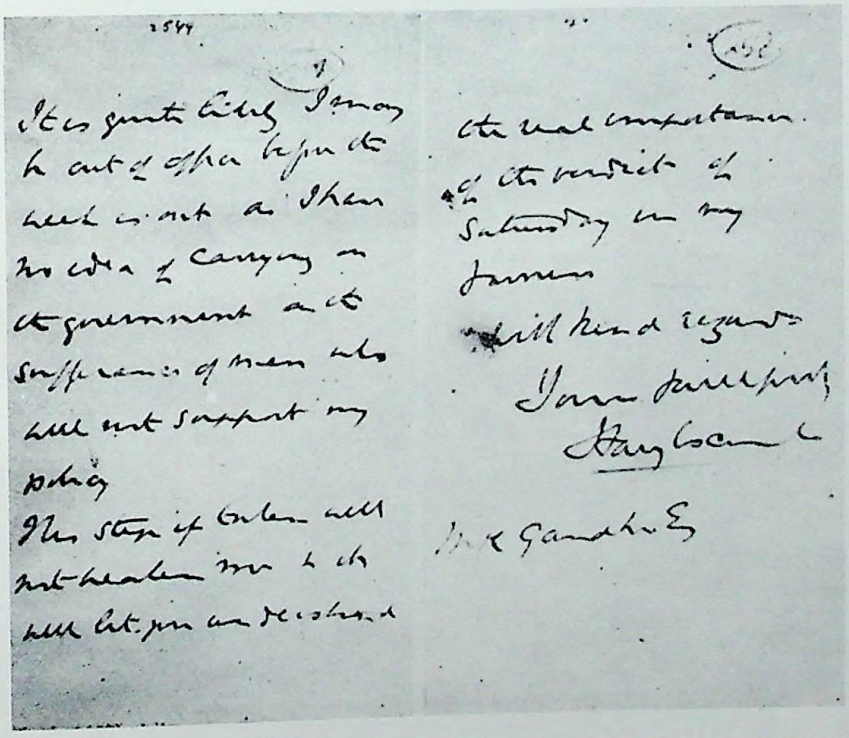
Dear Mr Gandhi

I beg you will convey to the Indians the value I set on their good opinion

I will endeavour to deserve it by fairness and

Consideration for their wishes and feelings

I thank you for bringing me into closer touch with them, you have enabled me to understand their position & views as it really is a great gain



2549

It is quite likely I may be out of office before the week is out & then no credit of carrying on the government & the suffrances of men who will not support my policy

The step if taken will not weaken me & the will let you understand

the real importance of the verdict of Saturday in my favour

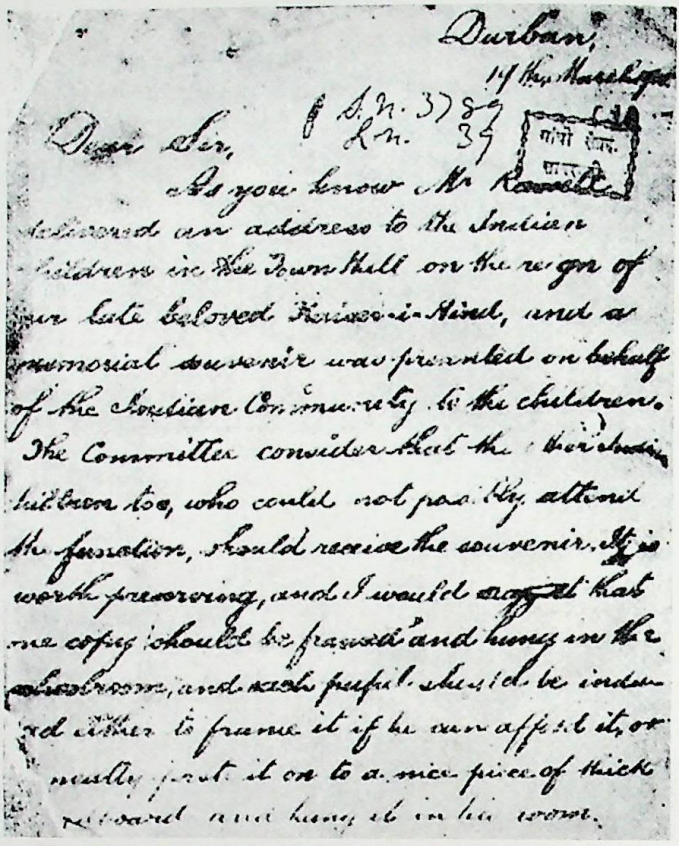
With kind regards

Yours faithfully
Harry Escombe

Mr Gandhi Esq

Harry Escombe to Gandhi : "Saturday's verdict in my favour." (p. 122)

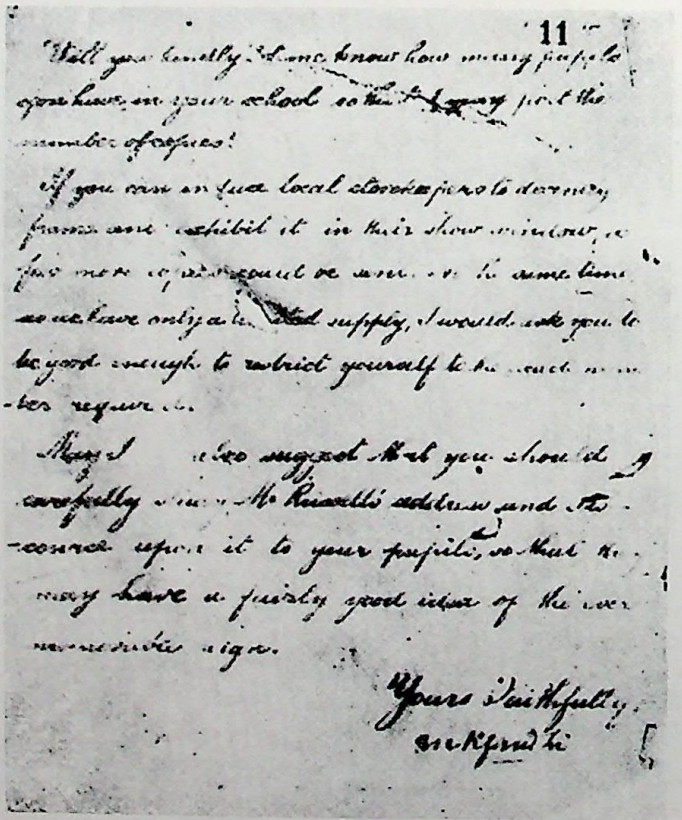
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Durban,
1/4 Key Mansion

Dear Sir,

As you know Mr Randle
[illegible] an address to the Indian
children in the Town Hall on the reign of
our late Beloved Prince-in-Mind, and a
memorial souvenir was presented on behalf
of the Indian Community to the children.
The Committee consider that the [illegible]
children too, who could not possibly attend
the function, should receive the souvenir. It is
worth preserving, and I would suggest that
one copy should be framed and hung in the
classroom, and each pupil should be indu-
ced either to frame it if he can afford it, or
neatly paste it on to a nice piece of thick
cardboard and hang it in his room.



11

Will you kindly let me know how many pupils
you have in your school so that I may print the
number of copies?

If you can induce local stationers to decorate
frame and exhibit it in their show windows, it
[illegible] be [illegible] and if sometimes
we have only a limited supply, I would ask you to
be good enough to restrict yourself to the [illegible] num-
ber required.

May I also suggest that you should
carefully read Mr Randle's address and ex-
pound upon it to your pupils, so that they
may have a fairly good idea of the ever
memorable reign.

Yours faithfully,
M K Gandhi

Gandhi's letter to heads of Indian schools asking to make "the time of loyalty to the Throne...a necessary part of their (the pupils) education". (p. 239)

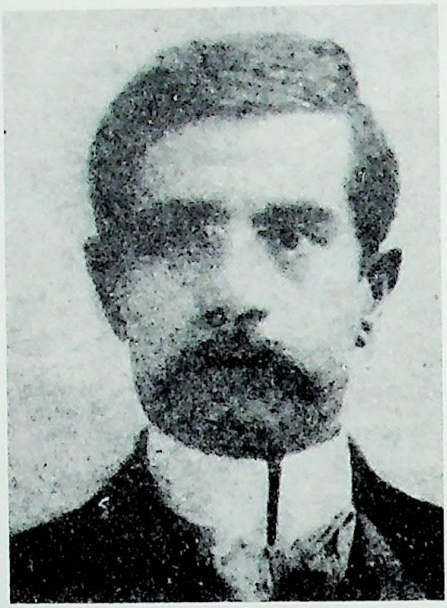
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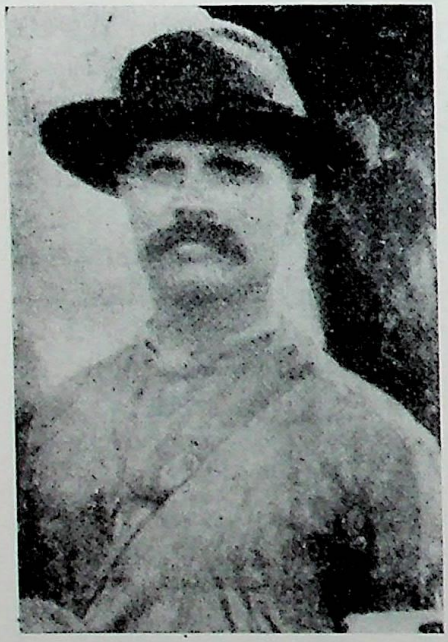
Memorial Souvenir of Queen's eightyfirst birthday, with an extract from the Proclamation of 1858 on top, and a list of six leading events in her life and her pledge "I will be good" at bottom. (p. 329)

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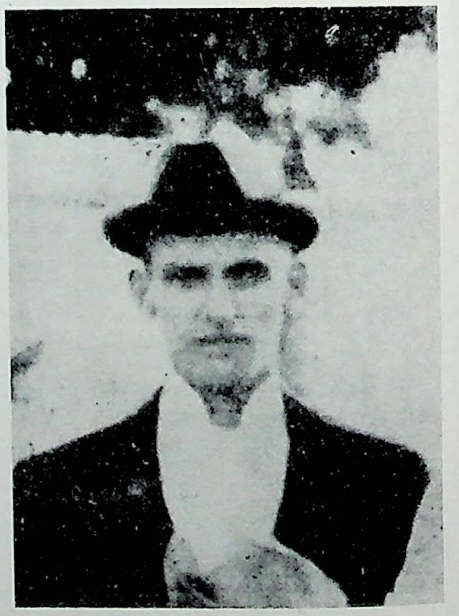
Some of Gandhi's Colleagues



Mansukhlal Nazar—"He guided the Indian community. (p 32)



Madanjit Vyavhairk, founder of the International Printing Press, (pp. 192-193)



Herbert Kitchin, "the tiger". (p. 127)

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Gandhi in 1900 — "My devotion to truth enhanced my reputation amongst the members of my profession" (p. 162)

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V. R.

OFFICE OF PRESIDENT MILITARY TRIBUNAL.

Government Buildings,

Johannesburg, 23. Novr 1900.

Gentlemen,

I am directed by the President of the Military Tribunal to acknowledge the receipt of your petition of yesterday's date and in reply to inform you that instructions have been given to all sentries, orderlies and other Court officials in this Court and the Court of the Chief magistrate, that all Mahomedans and Hindoos entering Courts of Justice are entitled to retain their headdresses so long as those headdresses are such as are worn in their own Country, (ie turbans or fezs). They have, of course, the same right to enter the Courts as the rest of the public.

A letter has also been directed to the Officers of Sub-ordinate Courts with a similar notification.

I have the honour to be

Gentlemen,

Your Obedient Servant

C. D. Rooke

Registrar
Military Tribunal.

Messrs
Osman Latief and the
other petitioners.
P.O. Box 3348.
Johannesburg

A flicker of hope : Military Tribunal's notice of November 23, 1900, permitting Indian orderlies and other Indian Court officials to retain head dresses on entering courts. (p. 356)

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forward, he asked. About a score responded, but for the few who left many more arrived to swell the ranks.

It was later learnt that when the tumult was at its height a member of the Demonstration Committee sent a note to another, saying that 'murder would be going on', or something to that effect, if the crowd were not pacified, and also asking that member to come at once. The reply he received was that the Government having taken matters out of their hands the Committee had resigned and were not responsible for what was taking place.[36]

By chance Harry Sparks was seen riding down the road. Being approached he next addressed the crowd and told them for British love of fair play to 'leave the poor fellow alone'. Violence would spoil the object they had in view. After further appeals to disperse, he called upon all those who agreed with him to follow him. A few did so. But the majority remained.

As darkness came on many grew tired and hungry, and their ranks began gradually to thin down. It looked as if the Police would be able to preserve order and protect the occupants of the store from harm.

The arrival moments later of a large number of rowdies, who after their forced abstemiousness the whole day had become excited with drink, when the canteens had reopened, however, gave the situation a turn for the worse. The crowd became more and more unruly, stones and missiles were hurled on the roof and several stump speeches were made. One of the speakers, George Spradbrow, tried to incite the 'natives' against the 'coolies'. Praising their conduct at the Point under his orders, he said, they all knew, Kaffirs and Europeans, that the Indian was not wanted in South Africa. The coolie was too contemptible to be roughly handled or killed by Europeans. The natives were the proper persons to deal with him.[37] A riot seemed imminent. The catastrophe was averted by the watchfulness of the Police Superintendent, who instructed the 'native' constables to prevent any clashes between Indians and 'natives', and to disperse the latter.

The mob by this time had begun to feel that they were being baulked of their prey. They sent word to Parsi Rustomji that unless he made over Gandhi to them his house would be set on fire. Parsi Rustomji was not to be daunted by threats. But Superintendent Alexander, when he came to know of it, felt disturbed. Noticing a move on the part of the mob to storm the building, he quietly slipped into the crowd with some detectives, sent for a bench, had it placed in front of Rustomji's house and himself mounted on it. Under the pretext of talking to the crowd, he thus unobtrusively took possession of the entrance to prevent anyone breaking into the house.

An Indian messenger in the employ of the Corporation, with two or

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three constables, was standing in the crowd in his uniform and turban. His slight build qualified him perfectly for serving as Gandhiji's double. Espying him, the Police Superintendent conceived of a clever plan. He had already planted detectives at strategic points in the crowd. Through one of them he sent word to this man to steal into Parsi Rustomji's house by the back gate with a message for Gandhiji that his life was in danger. If he wished to save his friend, his friend's guests and property and his own family he should exchange clothes with the man the Superintendent had sent, come out through Rustomji's godown disguised as an Indian constable, steal through the crowd with the men he had sent to him, get into the carriage that was awaiting him at the street corner and reach the Police Station.

"This is the only way," the Superintendent urged, "in which I can save you and others. The crowd is so excited that I am not in a position to control it. If you are not prompt in following my directions, I am afraid the crowd will raze Rustomji's house to the ground and it is impossible for me to imagine how many lives will be lost and how much property destroyed."[38]

Sergeant Ball had at the outset been placed inside the building. Detective Sergeant McBeach was told to get in as best as he could over the back wall to see to the disguising business. He slipped in, dressed as an Indian trader. At first Gandhiji strongly objected, but quickly gauging the situation he agreed, got into a blue serge uniform, put on his head a Madrasi scarf wound round a metal plate to serve as a crash helmet, and had his face painted dark as directed.

After a little while Sergeant McBeach was seen to emerge from a side passage with his face blackened, looking 'a bold Othello, albeit of an Indian type'. With him was Sergeant Ball, attired as an Indian coachman with whip. A third man dressed in a blue serge uniform and red turban of an Indian constable followed. This was Gandhiji. "We reached a neighbouring shop by a bylane and, making our way through the gunny bags piled in the godown, escaped by the gate of the shop and threaded our way through the crowd."[39] The two disguised officers seeing their charge safely clear of the crowd, leisurely walked off to a carriage; the driver mounted the box, and the swell Indian businessman (Sergeant McBeach) entered and was driven off in 'lordly style'. On coming to the red-turbaned Indian in the blue serge uniform, they casually picked him up and drove to the Police Station.

So well was the disguise effected that no one except the Superintendent recognised them as they passed through the crowd. And even he could not at first recognise Gandhiji when later he saw him at the Police Station.[40]

In the meantime Superintendent Alexander, sensing that his plans

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were going well, assumed his best good-humoured tactics and engaged the crowd with a bit of banter for staying there. An appeal for a song to pass the time away inspired a stentorian-voiced gentleman to start singing :

We'll hang old Gandhi
On a sour apple tree.

The people caught on and the solo swelled into a lusty chorus. Though lack of variety led to its collapse about the fourth verse, Mr. Alexander managed somehow to keep it on with slight diversions till he received the news that Gandhiji had safely reached the Police Station. Thereupon suddenly growing serious, he turned to the crowd and innocently asked :

"Well, what do you want ?"
"We want Gandhi."
"What will you do with him ?"
"We will burn him."
"What harm has he done you ?"
"He has vilified us in India and wants to flood Natal with Indians."
"What if he does not come out ?"
"We will burn his house."
"His wife and children are also there. There are other men and women besides. Would you not be ashamed of burning women and children ?"
"The responsibility for that will rest with you. What can we do when you make us helpless in the matter ? We do not wish to hurt anyone else. It would be enough if you hand over Gandhi to us. If you do not surrender the culprit, and if others are injured in our desire to capture him, would it be fair on your part to blame us ?"

With a smile the Superintendent told them, "Well, your victim has made good his escape through a neighbouring shop. You had better go home now."

They laughed the Superintendent to scorn shouting loudly, "It is a lie, it is a lie," and twitted him as to where he would go for so perverting the truth. Even his word of honour was treated with an ironical laugh and he was challenged to open the door and prove his words.[41]

Others tried a different method. They told the Superintendent what a fine fellow he was and also how they would deal with Gandhi if he were made over to them. They had a barrel of treacle quite close and if the Superintendent would "only confide Gandhi to their care", they would undertake that "he should be handed back safe and sound" if treacled and sticky.[42]

In vain the Superintendent tried to reassure them that he was but telling them the truth. Some of those who had seen Gandhiji go in were prepared to 'stake their lives' that he had not come out, and as the *Natal*

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Mercury put it, "these heavy punters were believed by the crowd far more implicitly than the strictly truthful Alexander".[43]

At last the Superintendent made them a sporting offer. It they did not believe their old Superintendent of Police, they could appoint a Committee of three or four men amongst them. But others must promise that they would not enter the house, and if the Committee failed to find Gandhi in the house they would peacefully return to their homes. They agreed.

Thereupon rating them soundly for their unruly behaviour, he told them that since they had so lost their heads in the heat of the excitement that they would not even obey the police they themselves had appointed, their police had played a trick on them. They had been outwitted. The police had done its duty and had removed their prey from their midst. They had lost the game and must now take it in a sporting spirit.

The suavity and unswerving firmness of the Superintendent had its effect upon the crowd. Ultimately Messrs Trimble, Spradbrow and Inspector Dougherty were deputed to go in and search the building to satisfy themselves. They searched the house through and through and reported that the Superintendent was right; they had been beaten in the game. Wherever Gandhi was he was certainly not inside the building.[44]

Their statement seemed to satisfy a good many. Some were angry, but most of them enjoyed the joke that had been played upon them and the crowd began to break up, admiring the Superintendent's tactful handling of the situation. A determined section however continued to hover round the place and blocked the road up to 9.30 p.m.

Thus the night wore on, the police not daring to relax their vigilance until a heavy shower of rain that the Superintendent had been praying for began to fall, and the ardour of the crowd "to have one squint at Gandhi" gave way to a scramble for finding "a more comfortable place to discuss the situation than the middle of a somewhat sloppy road in front of an Indian store with pouring rain overhead".[45] It was past 11 o'clock when the last man departed, leaving the police there alone.

The decision to escape under disguise caused Gandhiji no small amount of heart-searching. Regarding it in retrospect he wrote :

> Thus on one and the same day I was faced with two contradictory positions. When danger to life had been no more than imaginary, Mr. Laughton advised me to launch forth openly. I accepted the advice. When the danger was quite real, another friend gave me the contrary advice, and I accepted that too. Who can say whether I did so because I saw that my life was in jeopardy, or because I did not want to put my friend's life and property or the lives of my wife and children in danger ? Who can say for certain that I was right both when I faced the crowd in the first instance bravely, as it was said, and when I escaped from it in disguise ?
>
> It is idle to adjudicate upon the right and wrong of incidents

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that have already happened. It is useful to understand them and, if possible, to learn a lesson from them for the future. It is difficult to say for certain how a particular man would act in a particular set of circumstances. We can also see that judging a man from his outward act is no more than a doubtful inference, in as much as it is not based on sufficient data.[46]

His experience on this occasion and subsequent reflection led Gandhiji to formulate the golden rule which he later applied in life in relation to opponents and colleagues alike. It was, never to go by appearances; never to judge anyone or jump to a conclusion without a full and searching enquiry, no matter how plausible at first blush a particular conclusion may appear to be, and finally, to put the most favourable interpretation on the words or action of others, particularly opponents, when more than one interpretation is possible. The most practical, the most dignified, way of going on in the world, he declared, " is to take people on their word, when you have no positive reason to the contrary",[47] and to give them the same credit for their *bona fides* as we claim for ourselves.

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CHAPTER IV

AFTER THE STORM

1

THE MEETING in the Town Hall that had been announced by the leader of the Demonstration in his speech at Alexandra Square was not held that night. Not half a dozen people were to be seen under the balcony of the Central Hotel, where milling crowds used to congregate from daybreak till midnight since the movement started. The Hotel and its precincts presented a deserted appearance.

In Maritzburg it was a day of suspense in the city and anxiety at the Colonial Office. Mr. Bird, Permanent Under Secretary, was at work till a late hour. No official message had been received by the Ministers, the *Witness* telegram being the first authentic account of the happenings at the Point to reach them. Immediately on getting the special wire, Mr. Bird telephoned Sir John Robinson at his private residence. The Ministers were said to have received with a 'profound sense of relief' the news that the demonstration had ended in 'something like smoke'. The general feeling in the city, however, was one of disappointment at the inglorious end of the movement and regret at the cowardly treatment of Gandhiji. "It must be recognised here and elsewhere," wrote the *Natal Advertiser*, "that the brutal assault on this young Indian barrister was the work of irresponsible roughs ... It will rest with the demonstration proper, and the townspeople generally, to formally disown all connection with the cowardly rabble."[1]

Next morning Durban resumed its normal appearance after ten days of unprecedented excitement, and work went on everywhere as usual. The sudden cessation of the popular interest was attributed to the feeling that the agitation had ended in a fizzle. The Colonial Patriotic Union issued a high-falutin manifesto calling upon the Colonists to "throw their moral weight into the scale with us" and extend "friendly and material cooperation ... to enable us to ... hand down to our children for their inheritance Natal as a progressive whiteman's and English-speaking Colony".[2] But the people felt that they had been 'spoofed' all along by the Committee. Their mood was one of frustration. To mend this state of affairs the Demonstration Committee announced a public meeting in the Town Hall in the following week. "They claim a moral victory," reported a Cape paper, "whatever that may mean."[3]

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Gandhiji's whereabouts and his future movements continued to be a subject of speculation. The air was thick with rumours. One of them was that he had gone to Pietermaritzburg where he would be meeting the Governor, and also dine with him. Another was that he had returned on board the *Courland*. All these rumours proved to be insubstantial.[4] An *Advertiser* reporter, who went to the *Courland* on the morning of January 14 to enquire, learnt that Gandhiji had not reappeared there. Captain Milne said he held himself morally responsible for any injuries which Gandhiji might have sustained, as he ought to have prevented his landing. From the very start he had not been in favour of his landing, he said, but when the Attorney-General on behalf of the Government, personally came and guaranteed the safety of all his passengers he thought that there was no harm in letting Gandhiji disembark. He saw it was a mistake; he ought to have been more careful and not let Gandhiji disembark.[5]

Another representative of the *Advertiser* called upon Vincent Lawrence, Gandhiji's confidential clerk. The poor man had found himself locked up in his office when the demonstration took place.[6] Released by a friend, who heard his shouts while passing under his window, he had reached Alexandra Square just in time to hear Harry Escombe address the crowd. When the crowd dispersed he had returned home, and was blissfully unaware of all that had happened afterwards. Questioned by the *Advertiser* reporter he said, "I have not even seen Mr. Gandhi yet."[7]

As a matter of fact, after a day's rest at the Central Police Station, where Mr. R. C. Alexander had provided him asylum in the officers' quarters upstairs, Gandhiji had quietly been removed to his residence at 'Beach Grove'. His wife and children had preceded him and there he was now recovering from his injuries.[8]

Speculation concerning his immediate plans was partially laid at rest on January 16, when the *Natal Mercury* announced that "Mr. Gandhi intends to resume work in the course of a day or two and they intended to bring before the court any person who insults him."[9] The Durban correspondent of the *Witness* said the authorities were being blamed for not taking sufficient means to protect Gandhiji and the general talk throughout the town censured the action of the Demonstration Committee.[10]

2

A scramble for ablutionary disowning of responsibility followed the cooling down of tempers. On the morning of January 14, Mr. Collins, the Deputy Mayor of Durban, in the absence of the Mayor from the Colony, called on Gandhiji at the Central Police Station. He expressed his regret at the manner in which Gandhiji had been treated by the mob, but at the

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same time laced it with a gratuitous homily on the 'imprudence' of the manner of his landing. A shadow flitted across Gandhiji's face as he followed the Deputy Mayor's remarks. The voice was the Deputy Mayor's, but the words he spoke were of those who had sent him. Gandhiji saw through it all but his mind was made up. With a piercing look that made the Deputy Mayor squirm he told him that he exonerated those who had attacked him; first, because if he had done and said what they thought he had, he would deserve to be lynched and secondly, because his decision had been taken after full deliberation.[11]

On the same day four Kaffirs were charged before a Magistrate (Mr. Matthews) with "creating a disturbance by whooping and brandishing their sticks" in Field Street among the mob during the demonstration. Of them one was fined £ 2; two others 30s. each and a fourth £ 1, with alternatives of imprisonment.[12]

The way these poor wretches had first been used as tools by their white employers and then callously thrown on the dung heap, as it were, aroused the indignation of G.A. Roquefeuil Labistour, Town Councillor, later Attorney-General of Natal. A man of conscience, he in a letter to the Durban Town Council characterised as 'inexcusable' the failure of the Attorney-General to unequivocally condemn the induction of the 'rowdy and dangerous Kaffir element' into the Demonstration and appealed to the Durban Corporation to take up the matter vigorously and cause an enquiry to be made as to who was responsible for it. Further, to prevent a repetition of such conduct, he asked that special by-laws should be passed "in case those at present in force are found insufficient to cope with the evil".[13]

Strongly supporting Mr. Labistour, the *Natal Mercury* pointed out that an 'even more disgraceful' incident was the inciting of natives, as Spradbrow had done, to attack Indians after Gandhiji had landed and was lodged in Field Street. "The native has no reasoning powers in a matter of this kind. His passions are like tinder and his instincts are warlike. The slightest provocation, and he is aflame and ready for anything where there is shedding of blood." It was obvious, these Kaffirs could not have gone down to the Point on their own initiative. It was shameful that they had been made scapegoats for "really observing the orders of men who ought to have known better". It was up to the Town authorities, to bring up before the Magistrate the white men who brought them there and encouraged them, and to fine them "as heavily in proportion as the Kaffirs were fined".[14]

Neither Mr. Labistour's appeal nor the Ministerial organ's reproof, however, had the least effect on the Town Council. On Mr. Labistour's letter being brought before it, the Deputy Mayor argued that the demonstration on the part of the Kaffirs had been 'a spontaneous affair altogether', and had

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'promptly' been dealt with by the Police Superintendent. Mr. Reeves urged that it was enough that four of the participants had already been brought up before the police and fined. Mr. Clark, however, stood out. On his persistence it was agreed that Mr. Labistour's letter be 'received'. Beyond that the Durban Town Council was not prepared to go—an ominous portent of what lay in store for the Indian community in Natal.

3

Advocate F. A. Laughton, K. C. was deeply distressed. It was on his advice that Gandhiji had decided to land privately and without police protection. He had never regretted that advice. Stung by an editorial in the *Natal Mercury* in which that journal had blamed Gandhiji for all that had happened, he felt that as a party to Gandhiji's decision to land as he had done, he must speak out. In a letter to the Press he came out with a spirited vindication of his friend's action which the Government's mouthpiece had dubbed 'ill-advised'. He had heard it being freely talked in European circles, he wrote, that Gandhiji had not scrupled, while he was in India, to paint them 'as black and filthy as his own face', but when he learned how he would be treated if he attempted to come ashore, he had himself stowed away in the lowest hold. If these charges were true, if Gandhiji was "a cowardly calumniator, stabbing us when at a safe distance, but afraid to return and face the consequences" then surely, he was "unfitted to be a member of an honourable profession, or to hold the position of the leader in a great political question". Mr. Laughton knew this to be untrue. He had always found in Gandhiji, both in legal matters and on the Asiatic question, "a fair and honourable opponent ... who would scorn to hit below the belt". Jealous of his friend's reputation, therefore, he had deemed it his duty strongly to advise him that in order "to vindicate himself before the public ... he should not give his enemies an opportunity of saying that he was 'funking it' on board the *Courland*"; that he should not "sneak into Durban like a thief in the night, but that he should face the music like a man and like a political leader, and—give me leave to say—right nobly did he do it". He (Laughton) had accompanied him, simply as a member of the Bar, to testify by so doing that "Mr. Gandhi was an honourable member of an honourable profession, in order that I might raise my voice in protest against the way in which he had been treated, and in the hope that my presence might save him from insult". Subsequent events had fully vindicated his faith in his Indian friend.

> He might have kept to the boat at Cato's Creek, when he saw the crowd collecting to receive him; he might have taken refuge in Police Station; but he did not, he said he was quite ready to face

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the men of Durban and to trust them as Englishmen. Throughout the trying procession, his manliness and pluck could not have been surpassed, and *I can assure Natal that he is a man who must be treated as a man. Intimidation is out of the question, because, if he knew the Town Hall were going to be thrown at him, I believe, from what I saw, that he would not quail.*[15]

Appealing to the whites of Durban to make *amende honorable* to the man they had so grievously wronged, Mr. Laughton concluded: "Durban has grossly insulted this man ... I say Durban, because Durban raised the storm, and is answerable for the result. We are all humiliated ... Our traditions concerning fair-play appear to be in the dust. Let us act like gentlemen, and, however much against the grain it may be, let us express regret handsomely and generously."[16]

Publication of Gandhiji's *Courland* interview to the *Natal Advertiser* had by this time begun to take effect. The *Natal Mercury* reiterated that the Green Pamphlet was "not an unfair statement of the position of the Indian in South Africa from an Indian point of view". The cabled summaries "might have been as correctly written of some pamphlet describing the treatment of the Armenians by the Turks". When the pamphlet, however, was read in its entirety, the context revealed the fact that the bulk of it "is made up of political grievances in many cases similar to those the Uitlanders complain of in the Transvaal. The pamphlet ... contains practically nothing that Mr. Gandhi did not publish previously in Natal, and nothing that is not generally known."[17]

The interview further showed, the *Natal Advertiser* observed, that Gandhiji had "a good deal to say for himself". If his assertions were correct, the charges against him were unfounded. It had been asserted that the Government had information in their possession to prove the existence of a scheme on his part to swamp the colony with Indians. If so, why was the evidence not brought forward? "Mr. Gandhi admits that the leaders of the Demonstration Committee ... would be perfectly justified in getting up a constitutional agitation if there was an organised attempt to swamp the Colony with Indians. So that, if the scheme can be proved, ... Mr. Gandhi's mouth will be closed." The same applied to the charges of instigating legal proceedings against the Government for unlawful detention and bringing a printing press and compositors, etc. "These matters are surely capable of direct proof or disproof, and it would be well if they were settled ... It will be necessary, if the aid of the Imperial Government is to be obtained to have hard facts to go upon. ... No good will be gained by exaggeration." There was no getting away from the fact, it concluded, "that this brutal outrage was committed on the very day of the Demonstration ... and also in defiance of the assurance of the representative of

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Government that the passengers were absolutely safe."[18]

The Europeans saw how grossly they had been misled by false propaganda. Sensible people among them admitted their mistake. The Indians had shown that poor as they were, they were no cowards. They suffered hardship and Dada Abdullah incurred a big financial loss. But this was a small price to pay for the measure it gave them of their strength and their increased self-confidence. The newspapers expressed their sympathy with the standpoint of the Europeans in Natal but at the same time fully defended Gandhiji's action. The *Natal Mercury*, for instance, while upholding the Colonists' view, that it would be "dangerous to the well-being of the Colony to grant what Mr. Gandhi demands", reminded the extremists that he was only "endeavouring to perform for his compatriots similar services to those which Englishmen have always been ready to perform" and that it would be "the worst possible policy" to treat him as an outcaste and a pariah, "because he is striving to secure what he considers to be the rights of his fellow countrymen".[19]

This, as Gandhiji later recalled, enhanced his reputation as well as the prestige of the Indian community.[20] Deprecating Dr. Mackenzie's 'cheap talk' and 'innuendoes' against Gandhiji, the *Natal Witness* commented: "Whatever that unfortunate man may have done he has at least had the courage of his convictions and the pluck to return to the Colony. The insults of a howling crowd of a thousand or more people against one man are not worth lauding to the skies ... and such action is decidedly un-English."[21] The *Cape Argus* wrote: "The tendency in South Africa to class the average Indian with the average blanket *Kaffir*, under the vague term 'coolie', is the result of sheer ignorance. The despised 'coolie' is the heir to unknown centuries of Eastern civilisation. The Indian ... is the greatest aristocrat in the world."[22]

4

From his meeting with Gandhiji at the Central Police Station the Deputy Mayor hurried to his principals to report the result of his mission. This he did with a gloss of his own. On the same day the Natal Ministers in a despatch to the Governor advised him that the Indian Government should be 'briefly' informed of the main facts of the demonstration at the Point; also of the fact that the Indians had been "quietly landed without any employment of force on the part of the people". They regretted that "in one instance violence was employed though not seriously" towards an individual "who, by his action as an agitator, has made himself specially obnoxious". However this incident, they apologetically added, "did not occur at the ordinary landing place, but within the municipal limits of the

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Borough of Durban, for the control of police arrangements in which the Government is not responsible".[23]

Improving upon the brief provided by the Ministers, the Governor of Natal cabled to the Secretary of State for Colonies as under:

> Mr. Gandhi, a Parsi Lawyer (*sic*) who has been prominent in the agitation which took place amongst the Indians against the recent franchise legislation, and is the author of a pamphlet on the subject of the treatment of Indians in South Africa, some statements in which have been much resented here, landed ... and was ... mobbed ... and ill-treated. ... *I learn that Mr. Gandhi, in coming ashore at so inopportune a moment, when ill-disposed persons were angry ... acted on advice which he now admits to have been bad and accepts the responsibility of his action in the matter.*[24]

Neither Gandhiji nor the Indian community had at the time any inkling of this. As soon as these despatches appeared in the press Gandhiji wrote to the Honourable the Colonial Secretary, Maritzburg, challenging the statement that had been attributed to him in regard to Mr. Laughton's advice. "As I have always considered and still consider the advice upon which I acted was excellent, I would be glad if His Excellency would inform me upon what foundation he made the above statement."[25]

The Principal Under Secretary replied on April 4, 1897, declining to divulge the source of information on which the paragraph objected to in the Governor's despatch was based but promised that a copy of Gandhiji's letter and of the reply thereto would be forwarded by His Excellency for the information of the Honourable Secretary of State for the Colonies.[26] Releasing the correspondence to the Press, Gandhiji returned to the charge:

> I venture to think that, if the information has been derived from any statement made by me, I should be informed thereof. I cannot but most respectfully express my concern that His Excellency should have forwarded to the Right Honourable the Secretary of State such information without reference to me as to its accuracy.[27]

Gandhiji had hardly been four or five days at his residence when Mr. Escombe sent for him. His house was next door to Gandhiji's but the atmosphere in the town was tense. Not to take any chances he sent a couple of uniformed constables to escort Gandhiji to his office. Formal courtesies over, he expressed his regret for the assault and the injuries that Gandhiji had sustained. Mr. Chamberlain had cabled to the Government of Natal asking them to prosecute Gandhiji's assailants, he said. "The Government of Natal fully accepts Mr. Chamberlain's demand. We desire that the offenders should be brought to book. Can you identify any of your assailants?"

"I might ... be able to identify one or two of them," Gandhiji replied.

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"But ... I have already made up my mind not to prosecute my assailants. I cannot see that they are at fault. What information they had, they had obtained from their leaders." If all that they heard about him was true, he continued, it was natural for them to be excited and do something wrong in a fit of indignation.

> I would not blame them for it ... If any one is to blame, it is the Committee of Europeans, you yourself and therefore, the Government of Natal ... Now I cannot prosecute you or the Committee for the assault. And even if I could, I would not seek redress in a court of law. You took such steps as seemed advisable to you for safeguarding the interests of the Europeans of Natal ... It remains for me to fight with you in the political field and convince you ... that the Indians ... wish to preserve their self-respect and safeguard their rights without injuring the Europeans in the least.[28]

Mr. Escombe replied: "I quite understand what you say ... I was not prepared to hear that you were not willing to prosecute your assailants. I would not have been displeased in the least had you prosecuted them. But since you have signified your determination not to prosecute, I do not hesitate to say not only that you have come to a right decision in the matter, but you will render further service to your community by your self-restraint. I must at the same time admit that your refusal to prosecute your assailants will save the Government of Natal from a most awkward position."

If Gandhiji so desired, Mr. Escombe continued, the Government would see to it that his assailants were arrested. But this was bound to irritate the Europeans and to give rise to all manner of criticism 'which no Government would relish'. On the other hand, if he had finally decided not to prosecute, he should write to him a note to that effect. "I cannot defend my Government merely by sending Mr. Chamberlain a summary of our conversation. I should cable to him a summary of your note." He was not, however, asking him to let him have the note then and there, he explained, he could take his time. "Consult your friends. ... Consult Mr. Laughton also. And if after such consultations you still adhere to your resolution not to prosecute, write to me. *But your note should clearly state that you, on your own responsibility, refuse to prosecute your assailants.* Then only I can make use of it."[29]

As soon as the Attorney-General had finished, Gandhiji, who during the latter part of the conversation had with much effort been trying to keep down his rising impatience, in a deliberate tone replied: "I had no idea that you had sent for me in this connection. I have not consulted anyone ... nor do I wish to consult anyone now. When I decided to land and proceed with Mr. Laughton, I had made up my mind that I should not feel aggrieved in case I was injured. Prosecuting my assailants is, therefore, out of the question. This is a religious question with me, and

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I believe with you that I shall serve my community as well as myself by this act of self-restraint. I propose, therefore, to take all the responsibility on my shoulders and to give you the note you ask for here and now."[30]

Asking for a piece of blank paper he wrote down straight-away the note that the Attorney-General had asked for and handed it to him.

Beach Grove, Durban,
January 20, 1897

Sir,

I beg to state that I do not wish that any notice should be taken of the behaviour of some people towards me last Wednesday, which I have no doubt was due to misapprehension on their part as to what I did in India with reference to the Asiatic question.

It is due to the Government to state that, although, under instructions from you, the Superintendent of Water Police offered to take me to town quietly at night, I proceeded to the shore with Mr. Laughton on my own responsibility without informing the Water Police of my departure.[31]

I have, etc.
M. K. GANDHI

In his Autobiography Gandhiji has written; "I had not yet left the Police Station, when after two days, I was taken to see Mr. Escombe." Further on he says, "In three or four days I went to my house." According to a Press report that appeared in *Natal Advertiser*,[32] however, he had already on January 15 shifted to his residence. The only person who saw him at the Central Police Station was the Deputy Mayor, Mr. Collins. This was early in the morning of January 14. "For some little time after this," reported *South Africa*, "Mr. Gandhi was under police supervision." It is, therefore, clear that Gandhiji moved to his residence from the police station, not 'after three or four days', as stated by him in *My Experiments With Truth*, but when he had been there for hardly twenty-four or thirty-six hours. In Gandhiji's recollection his meeting with the Deputy Mayor seems to have got mixed up with that with the Attorney-General, the contents of both being more or less alike. The note which, Gandhiji says he wrote and handed to Escombe 'there and then', is dated Beach Grove, Durban, January 20, 1897. This conclusively shows that he was called by Mr. Escombe, not while he was yet in the Police Station but three or four days after he had shifted to his residence at Beach Grove.

5

Two days after this Gandhiji sent Mr. R. C. Alexander and Mrs. J. Alexander gifts with personal letters in appreciation of their services to him and the Indian community. He had had more than one encoun-

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ter with the Police Superintendent in the past (see *The Early Phase*, pp. 452-55). But it had not detracted from his appreciation of the sterling qualities that he had discerned beneath Mr. Alexander's rough exterior or damped his resolve to cultivate him. The contents of Gandhiji's note of January 20 to Mr. Escombe were as yet secret, but the Police Superintendent had been present when the Deputy Mayor had called on him at the Central Police Station and he had been deeply moved by the spirit of spontaneous forgiveness shown by Gandhiji on that occasion towards his assailants. He acknowledged the gifts in a letter which is perhaps unique in the annals of the police department in modern times.

> I feel I ought not to accept from you the handsome present you have this day sent me as you and others must feel that I did but do my duty, as any honest man should do, under similar circumstances. I am very sorry indeed that I had not sufficient force at my back, to do that duty without inflicting upon you and yours a further degradation by compelling you to escape the mob in the disguise of one so very far beneath you, and for having to use so much deceit to procure your safety, which I trust you and your people, will forgive, and that you like our own Prophet, when placed under a similar trial, will forgive your accusers, for they knew not what they did.
>
> I accept your valuable present as a memento of the great trial that you have undergone, and as a token of the friendship which always did, and will I trust continue between us. I hope that you and yours will endeavour to forget the past, and live long to assist me in my difficult task, to keep peace, with honour with all, and I feel it my duty to acknowledge through you the exemplary conduct of your people during the excitement of others, on your landing.[33]

In a postscript the old man charmingly added: "Excuse my wife writing this letter for me. My own writing is too difficult to read."

Mrs. J. Alexander wrote that she felt she really ought not to accept anything, as her actions in the matter could "in no way atone for the gross injustice done you by my countrymen". She, however, accepted the gifts as to return them would be "but adding another insult to the many you have had to endure since your return".[34]

The Indian community presented to Mr. Alexander an address and a gold watch with a suitable inscription and a sum of £ 10 for distribution among those of his force who had assisted him on the occasion.[35] To Mrs. Alexander they made a present of a gold watch, chain and locket with an appropriate inscription, as a token of their appreciation of the way in which she had defended Gandhiji at no small risk to herself.[36]

Acknowledging the gift and the address Mr. Alexander wrote: "I must ... assure you that I did but do my duty towards one in distress, also that duty was the more pleasant from the knowledge that I was defending a friend and a gentleman, and I can now with pride hand down this valuable present to my children as a reminder that 'honesty is the

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best policy,' no matter with whom we have to deal."[37] Concluding, he hoped that "we may continue to live as becomes the subjects of her Most Gracious Majesty Queen Victoria".

Mrs. Alexander thanked Messrs Abdool Carim (Dada Abdulla and Co.) in a gem of a little letter which bore the stamp of her self-effacing humility on its every line:

> ... I really know not how to acknowledge the generous gift ... except by receiving the same and thanking you all ... for recognising the very trifling service (rendered by) my presence near Mr. Gandhi at the time he was so cowardly treated by those who really could not have known what they were doing, and who must now I think feel exceedingly sorry for their unmanly acts.
>
> My presence being ... a pure accident, I don't feel myself worthy of such generous recognition, but I trust the inscription on this valuable present together with the address will help me and those after me to do our duty towards all men.[38]

T.N. Watts, accepting the gift £ 10 on behalf of his fellow officers, in a letter to Gandhiji wrote that their services had been "freely rendered and without any view to recompense. ... The way in which you have ... recognised the efforts of the force ... fully indicates to us the good feeling which does exist and we hope will always continue to exist between a civilian force and law abiding members of a mixed European and Asiatic community."[39]

6

It was the same with a number of his more illustrious opponents—including Harry Escombe and Sir John Robinson. They ended up by becoming his good friends. Among the lesser lights who were drawn to Gandhiji by the qualities of superb courage and self-possession that he had displayed during the Demonstration, was Mr. A. M. Cameron, special representative of the *Times of India* in Natal. He was in Rhodesia, examining prehistoric cave paintings of the Hottentots and Bushmen, who lived there some thousands of years ago, when the news of the Demonstration and the subsequent happenings reached him. Characterising the treatment meted out by the Durbanite mob to Gandhiji as "a perfect disgrace ... an Englishman must always blush at ...," he indignantly wrote in the columns of the *Natal Advertiser*:

> I did not know him, and would never have known him but for these doings. After that I made it a point to know him. A meeker and quieter person I would scarce expect to see. ... With pleasant manners and speech, he would be quite a favourite with Englishmen, i.e., if they are Englishmen and not low roughs. ... I am sure that he showed more courage in landing, and facing his situation than all

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the hundreds who mobbed him.

Suggesting that Gandhiji ought to be declared 'exempt' in Natal as Prince Ranjit Singh, the renowned cricketer, had been in Australia, he concluded: "Notwithstanding his (naturally) taking the other side, I should not be surprised, if there is anything noble and manly about the Englishman in South Africa, at seeing him become a 'prime favourite'."[40]

To those who talked about the duty of handing down Natal to their children as 'a progressive white man's Colony' he replied, almost in the language of Anthony Trollope two decades ago (see *The Early Phase*, p. 308):

> It is a fallacy and an absurdity to call this a white man's country, when there are ten Kaffirs to every white person. And, what is more, it never will be a white man's country. ... Those who don't care for it, should go to Australia and New Zealand.[41]

No Indians would mean even no work for white artisans, he warned, and spell ruin to the country which owed its prosperity in more than one way to the presence of the despised Indian. Besides, "this is not the age for retrogressive class and colour legislation. It is putting back the hands on the dial of progress and civilisation and making a sort of exclusive (small) China of Natal. It is also entirely against the spirit of Christianity."[42] Reminding the Colonists that India had always been "England's safety, strength and ... wealth in Africa", he predicted that in the event of England being involved in a European war she would again be obliged to rely on Indian troops.[43] His prediction was fulfilled before Gandhiji made his last bow to South Africa.

Mr. Cameron became a close friend of Gandhiji, who was glad to draw upon his help and advice. At the end of the year he returned to India, with a note of introduction by Gandhiji to his friend F. S. Talyarkhan. "He (Mr. Cameron) tried to do everything he could for the cause of the Indians in South Africa. He is now proceeding to India to take part in the attempts of the Indians to remove the misunderstanding created about them owing to the recent events."[44] The reference was to the scare created among Englishmen by the assassination of Lieutenant Ayerst and Mr. Rand, the Poona Commissioner, as a result of gross abuse of authority by British officers in the course of enforcing anti-plague measures, and the disturbances that followed the prosecution of Lokmanya Tilak for preaching 'sedition' in the columns of the *Kesari*, that led to his conviction and sentence of imprisonment for eighteen months with hard labour[45] (see *The Early Phase*, p. 135).

7

Harry Escombe and the Government of Natal came out of the De-

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monstration episode with their image badly tarnished. He was acting Prime Minister when the trouble started. Even after Sir John Robinson's return he had continued to be *de facto* Prime Minister. From the start he had been in favour of restricting the immigration into Natal of Indians, other than those who came under indenture. As early as October 15, 1896, even before the *Courland* and *Naderi* had set sail from India, he had wired to the Prime Minister (then in England on sick leave) that further immigration of the Asiatics should be stopped, if the whole of the trade and agriculture of Natal was not to pass into Indian hands; and that he should meet Chamberlain and lay before him this view. When the cry was raised against the passengers from the *Courland* and *Naderi* being allowed to land in Durban, he had the Quarantine regulations set into motion in order to harass the passengers so that they might return to India. He had specially come down to Durban from Maritzburg after arming himself with full authority from the Government and was reported to have told the members of the Demonstration Committee, that the Government was 'wholly with them'; that troops would not be called out even if the demonstrators proceeded to take the law in their own hands; and that rather than take such a step the Ministers would ask the Governor to be relieved of their responsibility and resign. A Ministry worthy of its name should have firmly told those who had threatened to take the law into their own hands, that their threat would be met, if necessary, by the use of the entire resources at the disposal of the Government. The Chairman of the self-elected Demonstration Committee was a Captain of the Natal Volunteer Mounted Rifles. He ought to have been promptly arrested with the entire Committee, when he launched the movement for unlawful action, and the mounted police sent out to enforce peace. If the Attorney-General was uncertain whether the volunteers would loyally obey the orders, he should have appealed to the people and invited their cooperation in the maintenance of law and order. His shilly-shallying gave ground for the suspicion that he was playing to the gallery with an eye to the coming elections. "It stands on record, then," commented the *Natal Witness*

> that the Ministry, on the slightest appearance of a riot at Durban, had resolved that mob law should be supreme. 'We shall say to the Governor that he will have to take the reins of Government into his own hands. Everyone is aware that we are rapidly nearing another general election, but no one could possibly have thought that any Ministry would have played so low, to gain votes, as to give the population of a large town freedom to break the law.[46]

Strong colour was lent to this suspicion when at the next election Harry Escombe stood as the Demonstration Committee's candidate.[47] The Committee even contributed to his election expenses.

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The *Times of Natal* characterised "this playing into the hands of men who speak publicly of the Indian Ocean as being the proper place for the Indian immigrants" as "regrettable weakness in a member of the Government in office".[48] The *Natal Advertiser* saw in it a sign of collusion. For a week Government had abdicated its function in favour of the self-elected Committee who had virtually constituted themselves into a sort of a provisional Government, and superseded the lawful Government. They had regulated the movement of the steamers and assumed the right to prevent landing of passengers who had as much title to be there as they themselves had. They had even proposed "a Denegeld policy, to carry out which the public funds would be requisitioned", while the Government had looked on and contented themselves with a perfunctory protest.

> (And) then, quite casually of course, at the psychological moment the Attorney-General bobs up serenely, tells the people to be good boys ... the Committee declare they never had the least idea of doing anything in opposition to the Government, and are quite willing to leave it in the hands of the Government—cheers for the Queen—blessings all round—everybody goes home happy—demonstration melts away as quickly as it gathered.[49]

What had made the Committee climb down so readily at the Attorney-General's bidding, even though they had not received from him a single assurance beyond what they had received a week earlier? The conclusion was irresistible: It was all pre-arranged. "The Government have nominally scored in that the proposals and suggestions they put forward at first have been adopted, notwithstanding the assumed firmness of the Committee. But the very facility of the success suggests the idea of collusion."[50]

The Captain of the *Courland* had stated that the Committee had led him to believe that they were acting on behalf of the Government and the members of the Demonstration Committee had openly said that Government knew and approved of what they were doing. This, again, argued the *Natal Advertiser*, if correct, implied a serious imputation of the *bona fides* either of the Committee or the Government.

> If the Committee had the sanction of the Government, the latter were playing a double game by countenancing in private proceedings which were disapproved in their published reply. If not, the charge of duplicity must be shifted to the shoulders of the Committee.[51]

After the publication of the text of the letter from the Demonstration Committee to the Captain of the *Courland*, however, it absolved the Committee from the suspicion of duplicity but maintained that it confirmed "the alternative suspicion that despite their published warnings against illegal

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action", the Government were "practically in collusion with the Committee".[52]

Both the *Cape Argus* and the *Natal Witness* concurred with this view. The Government's policy of allowing the situation to develop for a whole week "without pretence at the feeblest intervention" certainly suggested an "unofficial sanction of the whole business",[53] commented the one. "People will not believe that the whole business was not a plot between the Government and the leaders of the late remarkable movement,"[54] remarked the other.

8

To clear the Ministry of this formidable indictment a special public meeting was convened on behalf of the Demonstration Committee with Harry Sparks in the Chair. The attendance at the meeting was thin, threats "to court the mercies of the Transvaal Government", and to bundle out the British authority bag and baggage, if it stood in the way of the Committee's anti-Asiatic plans, were hurled by Captain Sparks and Dr. Mackenzie, and the Indians were called such names as "black brutes' and 'greasy skins' by various speakers.

Denying vehemently that there had been any collusion between the Committee and the Government, the Chairman said that the Committee had pledged itself against the use of force and when, therefore, he learnt that Mr. Escombe had, without the knowledge of the Committee, guaranteed the safety to the Indians on board the *Courland* and the *Naderi,* he decided, entirely on his own, to place the matters in the hands of the Government, as they were not prepared to fight the Government 'which would mean a revolution'.[55]

His statement, that "no force was intended", was contradicted on the spot by Mr. W. R. Poynton, Chairman of the Patriotic League, who pointed out that inflammatory speeches had been made and the crowd had gone down to the Point "with the full determination to stop the passengers of the *Courland* and the *Naderi* from landing". Dan Taylor argued they could not have demonstrated to the world that they were prepared to fight "unless they went there in a body prepared to fight". How many people would have gone to the Point merely to 'read a protest' against the ship's landing? he asked. Such conduct would have been laughed at.[56]

This rendered valueless the absolution dispensed to the Ministry by the Demonstration leaders. The *Natal Mercury,* while welcoming the exoneration, sternly rebuked those who had dispensed it for the threats of defection and rebellion, and the unseemly language indulged in at the meeting in regard to the Indians by various speakers. The question (of Asiatic

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immigration) was not to be settled by a lot of 'Tooley Street threats' as to what would happen to the British Government if they did not promptly do everything that Dr. Mackenzie and some of his friends wished. To apply such terms as 'greasy skins' and 'black brutes' to a whole race of people was 'offensive in the highest degree'. The objection to the Asiatic on account of his "insanitary habits and immoral ways" ought to be dropped, "as, in the first place, it is not honest, and, in the second place it is not a good one".[57]

Apart from the dubious worth of a certificate of innocence issued by a party that is itself involved, the fact stands out that had the Natal Government contradicted the statement made by Mr. Wylie as to the conversation between the Attorney-General and himself and publicly declared that the passengers were not only entitled to the protection of the Government but would get it in full measure, the Demonstration and what followed would have in all probability been averted.

In the last week of March, heckled in Parliament about his share of responsibility in the Demonstration episode, Harry Escombe gave his version of what had passed between himself and the Committee. He did not 'threaten to resign', he said, but only declared that he would not use force against the crowd, and if the peace were broken it would be the duty of the Ministry to make room for other men who were more able to deal with an emergency of that character.[58]

Commented the *Natal Advertiser*: "The difference is that 'twixt tweedle-dum, and tweedle-dee'."[59]

Of a piece with this was Mr. Escombe's plea in the Natal Government's despatch to the Governor that the attack "did not occur at the ordinary landing place but within the municipal limits of the borough of Durban for the control of the police arrangements in which the Government was not responsible". Characterising the disavowal as 'a bit disingenuous' after the Attorney-General had told the Indians on board the two vessels that if they landed they would be "as safe in Natal as they were in their native villages in India", which was "as absolute and unqualified an assurance as can well be put into words", the *Natal Advertiser* asked, "Is it possible that Mr. Escombe meant to convey to the Secretary of State and the Viceroy of India that if any disturbance or violence had been attempted at the ordinary landing place, the Government were prepared to deal with it", when actually it had declared that it would abdicate if such a contingency arose?

> As a matter of fact the borough police behaved remarkably well in the affair, and *the attempt to exonerate the Government at their expense is not quite fair, and compares unfavourably with Mr. Gandhi's own generous assumption of responsibility and refusal to*

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prosecute.[60]

Though contemporary judgement went heavily against Harry Escombe one cannot help feeling in retrospect that much of the criticism levelled against him by his opponents was politically motivated. He was ambitious, and in politics he could, when he chose, 'so equivocate like truth'. He cleverly made use of the leaders of the Demonstration to strengthen his hands in dealing with the Home Government. No match for his nimble intellect, if the dunderheads allowed themselves to be outwitted by him it was their fault. *Caveat emptor.* Like all European Colonists, Harry Escombe believed in a white South Africa but he was not anti-Indian and he was too cultured a gentleman to regard baiting of the Asiatics—so popular with a certain section of the whites at that time—as anything but a low kind of sport. From his close professional relations with the Indian traders he had learnt to respect them for their many qualities and to appreciate their side of the case. Unlike Mr. Tatham, he was not the type of creature that bites the hand that feeds it. To the last he remained loyal to his ideal of minimum justice to which he felt that Indian vested interests already established in Natal, were entitled and he proved his independence, when it came to the scratch, by throwing away what he had gained by his collaboration with the extremists, rather than remain in office on their sufferance.

Sir Walter Hely-Hutchinson, the Governor, who had already earned for himself the reputation of being like 'putty' in the hands of the Natal Government, fully lived up to his reputation and a suggestion was even made for his dismissal. As guardian of the Constitution it was his duty to tell the Ministry that, as long as they held office, they would be responsible for the maintenance of law and order in the Colony. The threat of law and order being thrown on him he should have met by despatching troops to Durban without a moment's delay and issued a proclamation, calling upon Her Majesty's subjects to disobey the law at their peril. Instead, he danced attendance on Sir John on his return from home-leave and afterwards acted as his handyman, proving himself to be utterly unfit to hold his exalted office. Wrote the *Natal Witness:* Such a Governor deserved "to be immediately recalled for, in these times, the Empire cannot afford to be served by invertebrates".[61]

9

The utterly irresponsible conduct of the Durbanite crowd and the leaders of the Demonstration brought upon them unmitigated censure of all concerned and even the Government's mouthpiece was forced to disown some of its actions.

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"The Natalians appear ... to have lost their heads," remarked the *Johannesburg Times*. With regard to the scene, when 'a jeering crowd of hydrocephalous entities' made Gandhiji the 'vile object of kicks and cuffs', it wrote :

> No doubt, all this proved grand fun for the *canaille*, but apart from the morals of law and order, the British love of fair play must be rapidly on the wane in Durban, when Englishmen resort to such ungentlemanly behaviour and brutality towards an unconvicted free man.[62]

Downing Street and the Indian Government could not be apathetic towards the violent attitude which had been adopted by Natalians towards "a lawful subject of Britain's 'magnificent dependency' ", it warned.

With a fling at 'the rough and ready justice' they had at Durban, the *Diggers' News* observed:

> Durban is not *'East of Suez'* ... but the Durbanites seem to enter into the category of those among whom 'there ain't no ten Commandments', to say nothing of the Imperial Statute Book. ... Individually they would be glad to buy cheaply from the frugal Indian, but collectively they distrust themselves and each other ... If the principles of economy are too hard for them, let them at least sail inside the law ... If Durban wishes autonomy, Durban will get it for the asking, but its people cannot expect the British Isles to countenance illegal action or encourage unconstitutional agitation.[63]

"A crime is no less a crime because it has been committed by a whole town instead of by one man," commented the *E.P. Herald*.[64] *The South African Mining Journal* was at one with the Natal whites in their desire to keep out the Indians. 'The British subject' argument, it held, was no argument at all. "For, these coolies are not British subjects, entitled to freedom. They are a subject race which is quite another pair of sleeves." But even this journal found little to commend in the performance of 'the Durban rabble' which "after a great show of force, and greater show of words that break no bones" had "climbed down dismally".[65]

Dubbing the whole affair an 'utter fiasco' the *Star* wrote : "The victory as far as this particular case is concerned is with the Indians, who are now ensconced in Durban." But even if the Indians had been scared away, it would have been a sorry victory "had a small contingent of defenceless coolies been frightened away from the shores of Natal for fear of bodily maltreatment at the hands of the European settlers, assisted by a gang of whooping Kaffirs".[66]

10

Harry Escombe's flirtation with the Demonstration Committee provided

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ready ammunition to the opposition for use against the Ministry at the coming elections. The liberal sentiment in the Cape had never appreciated the brash racism of the Natal whites. The planter and the employer class were seized with the fear that if the violence of the Durban crowd resulted in the Government of India's stopping indentured labour to the Garden Colony, the Home Government might side with the Indian Government, "since India meant much more to Imperialist Britain than Natal". Conservative opinion, although firmly wedded to the doctrine of the white hegemony, had little sympathy with the Demonstration Committee's *sansculotte* crowd, and regarded with strong disapproval the parochial selfishness of the younger colonies, which might affect the imperial solidarity. A wave of indignation swept over the Colony and brought the Committee into particularly bad odour, when a prominent pro-Kruger individual, J. R. Williams, suggested in the columns of the *Diggers' News* that the failure of the Natal Government to back the demands of the Demonstration Committee was a good reason for Natal to join the Transvaal. His gratuitous advice was denounced as a 'disloyal' and 'unwarrantable' piece of 'impertinence'.[67] The Durban correspondent of the *Cape Argus* warned: "If Williams comes to Natal, he will receive a warmer reception than even Gandhi."[68]

Faced with this barrage of criticism, the Ministerial organ was hard put to it to defend publicly what the authorities had privately encouraged. Many an amused eye-brow was raised when the Government organ the *Natal Mercury* pompously declared: "The demonstration has ... proved a most significant, unanticipated success. The magnificence of its success lies in its failure."[69]

Next day, however, characterising the assault on Gandhiji as "an undignified and unmanly act, an act as repugnant to British ideas of physical fair-play as it was really injurious to the case everyone has so much at heart", it observed that it would have been of less consequence if those who attacked Gandhiji had to bear the blame and the disgrace, but it was the Colony that was regarded by the outside world as having been guilty of an 'un-British and cowardly action'.[70]

Even more shattering than the reproof was the avalanche of raillery which the antics of the leaders of the Demonstration brought down upon them. "After all the speechifying and the parading, and the bugle-blowing of the past week," wrote a Cape paper caustically, "the citizens of Durban have fallen short of making history. ... The heroics of the mob are apt to sink from the sublime to the ridiculous and indifferent arguments are often accompanied by equally indifferent eggs."[71] A Transvaal paper wrote : "The present demonstration resembles more the Knight of La Mancha's mad tilt against the windmill, than the action of sober-minded Englishmen. The pseudo-patriotic organisers of an ill-advised demonstration have attempted to

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play the Roman fool, and have died on their own swords."[72]

For days Natal rang with irreverent mirth provided by the scintillating wit of a number of talented writers of humorous verse who were inspired into the muse by the histrionics of the Demonstration Committee.

The following appeared in the *Natal Advertiser* of January 16, 1897 under the caption "Heroes of '97" :

They met, these gallant heroes, they were quite five thousand strong,
And vowed, as did Lars Porsena, no more they'd suffer wrong.
Naught on this earth should stop them; firm as granite they'd remain;
(Though they stepped inside the Town Hall, just to get out of the rain.)
Then, midst cheering, rose Sparkitus, a butcher man was he,
And said, "Boys, we'll drive the Hindoos just like sheep into the sea;
We've fleeced them, till we've skinned them, now we will welter in their gore
And we'll fight the many thousands that are still on India's shore.
Of course, you'll understand me, we must not oppose the law,
We must blacken eyes in reason and break legally each jaw;

* * *

Now, I do not chop good logic for my trade is chopping meat,
But bubonic fever shall not kill its thousands in the street.
And on that question Dr. Mac will say a word or two,
And if he does'nt take too long we'll hear from Wylie too."
Then, the crowd, they madly cheered him, and for freedom called with glee
Whilst knocking down a man or two, who chanced to disagree.

* * *

Follows Dr. Mackenzie with an apology for being mixed up with the rabble, in spite of the official position he holds, and a wry reference to the wisp of a man who was the target of their wrath :

Take no notice of the papers, or of such 'old women's' pleas,
We must scotch this coolie nuisance as we would so many fleas;
But treat them not too roughly, though there's one I think fair game
(Ah, I see that you all know him, so I need not give his name !)
As you number near five thousand, then in manner most profound
I should say dissect him quietly or he will not go all round;
But, above all, be in earnest that, dear fellows, is our game,
The Government must see that where there's Sparks there'll soon be flame;

* * *

The piece ends with a sly dig at the indignation that filled the patriotic English breasts at the closing of the Durban bars on the day of the demons-

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tration and the infraction of an Englishman's inviolable right to get drunk whenever he pleases.

> So the heroes kept together and resolved to close the bar
> 'Gainst the landing of the children born 'neath India's brilliant star,
> Till they heard it just suggested, when they came to demonstrate,
> There'd be stoppage of all liquor should they want to 'irrigate'.
> It was then there was the howling of 'freedom' and of 'right',
> And the privilege of Englishmen to drink till they were tight.
> The bar to close 'gainst others made them all with rapture sing,
> But to close the bar against themselves was quite a different thing!
> And so the question shifted from the Hindoos and his stinks
> To the right of every Englishman to choose his hour for drinks.[73]

The 'most unkindest cut', however, came from the Camperdown farmers. In a meeting of their association they pilloried the Committee for its choice of the Central Hotel as the venue of the Committee's meetings to the personal advantage of Mr. Sykes, the proprietor, that had caused much heart-burning among the bar keepers of Durban.[74]

The prestige of the Committee suffered still another set-back when on May 12, 1897, the Prime Minister announced in the Natal Assembly that Government had paid six Parsee passengers who had arrived by the *Courland* £ 63 as compensation for clothing destroyed during enforcement of the Quarantine. The clothing had been destroyed, he said, in the interest of public health. But as there was no provision for it under the law it had become a duty to pay compensation.[75] With this the last echo of the Demonstration episode died away and it lingered on only as an ugly memory.

Before the year had closed the leaders of the Demonstration themselves began to feel that the Committee had outlived its usefulness. In a meeting attended by about forty people, held at the Central Hotel on December 21, 1897, Dan Taylor proposed that the Committee should be wound up and reorganised as a political organisation to be called 'The Demonstration Reform Association'. The proposal was adopted.[76] But the Committee's discreditable past clung to it even after its demise. Strong exception was taken to the word 'demonstration' in the name of the successor organisation on the ground that it "carried the flavour of illegal and unconstitutional action". The objection was ruled out and the original title was retained. The *Natal Mercury* commented : "The Demonstration Committee has passed away ... many Colonists will not be inclined to look with favour upon a political body which retains the name 'demonstration' and thus identifies itself with an incident in the history of Durban that may well be forgotten ... a great pity that the Association formed on Tuesday night was not more intelligently and appropriately named".[77]

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In less than two months after its inception the Demonstration Reform Association also passed away to be reborn as the 'Anti-Asiatic League'. By March 1899 it too was declared to be 'dead as a door-nail'.[78]

11

The Demonstration episode had important repercussions in England also. Gopal Krishna Gokhale in a detailed review of it in *India* dubbed it "a tale which no Indian can read without bitterness and no right-minded Englishman ought to read without a feeling of deep shame and indignation".[79] Alluding to the predicament into which the ill-conceived adventure of the Demonstration Committee had landed Chamberlain, the *Star* of Johannesburg wrote: "Morally, he (Mr. Chamberlain) is bound to uphold the righteousness of the Indians' position; economically, he is forced to admit the justice of the Colonists' claim; politically, it passes the wit of man to decide which side to favour."[80] On February 5, 1897, in answer to a question by Sir William Wedderburn in Parliament, Chamberlain, speaking closely from the Natal Government's despatch, admitted that, as reported, about five thousand demonstrators had assembled at the Point and threatened to forcibly prevent the landing of Indian passengers but the authorities had induced the crowd to disperse and the landing took place 'without opposition', except in the case of one person "who was assaulted but not seriously hurt". Reiterating the discredited plea of Mr. Escombe, he went on faithfully to echo the Natal Government's defence that "this incident did not take place at the ordinary landing place". He had 'no reason to doubt' that the Natal Government would take "all possible precautions to prevent any violation of the law, should any other ships arrive from Bombay".

Not satisfied, Mr. Wedderburn asked a supplementary. Could the honourable gentleman assure the House that there was no reason to think that the responsible authorities of Natal "had in any way countenanced the popular movement against the Indian immigrants", and that they would "make it clear that the Indian immigrants were entitled to protection like any others of Her Majesty's subjects?"

Apprehending a catch, Chamberlain replied rather petulantly: he was not there to be 'catechised' with regard to 'the intentions and motives' of a self-governing Colony. He had no doubt that the Natal Government would do all it ought to do. "At the same time I am not responsible for them."[81]

"The reply ... shows," the *Natal Advertiser* tartly remarked, "what progress the right honourable gentleman has made in the art of leaving the Colonies alone!"[82]

Privately, however, on the same day the 'Honourable gentleman' wrote

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to the Governor of Natal:

> I trust that proceedings have been taken against the perpetrators of this assault (on Mr. Gandhi) for their breach of the peace.[83]

Gandhiji's note of January 20, 1897 now came handy. Dug out of the Attorney-General's secret file it was forwarded to the Governor with the following note:

> *Ministers to the Governor* *March 2, 1897*
>
> The injuries sustained by Mr. Gandhi were not serious, and, in accordance with his wish no proceedings were taken for breach of the peace.[84]

Gandhiji's forbearance rescued the Natal Government and Chamberlain from an awkward situation. To Harry Escombe it brought a new understanding of his opponent and planted in his heart the seed of a change that resulted in his dramatic transformation not very long afterwards. Of even greater significance was the leaven it introduced in the hearts of many nameless Europeans. Illustrative of it was an appeal addressed to the 'Christian Women of Natal' by Elizabeth Irons, an Englishwoman from Liverpool. For nearly half a century her father had laboured in South Africa and had spent all his wife's fortune and his children's inheritance in promoting the civilisation of the Cape Colony and Natal. "His head is bowed down with shame and sorrow", wrote his daughter in an appeal addressed to the South African whites, "that Natal should present such an unfeeling and selfish picture to Christendom". She exhorted her Christian sisters in Natal to unite and form an 'Indian Protection Society', to oppose "the fierce fanaticism and cruel menaces of the uncharitable, rowdy multitude that yelled and howled their execrations" on the wharves of Durban to terrorise the poor sea-sick quarantined passengers on board the *Naderi* and *Courland*.

> This was the spirit of the Jerusalem mob that cried, 'Away with Him, Crucify Him, Kill Him, when the martyr Jesus was murdered on Calvary, like Demetrius the Ephesian silversmith—who led a multitude against Paul—and roused their passions of jealousy and wrath, fearing their businesscraft was in danger (like the carpenters, bricklayers, masons, plasterers and mechanics of Natal) they cried, 'Away with Him, kill him'! So would the Durbanites hunt down Mr. Gandhi, with like devilish hate.

It was women's special mission, 'to exhibit Christianity in its beauty and purity', and to disseminate it by example. "If you form an association for this purpose," she concluded, "I can promise you the prayerful help of thousands of women in England and America."[85]

Elizabeth Irons became the prototype and precursor of a host of Euro-

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pean men and women who, moved by the innocent suffering of the Indians, became ardent champions of their cause during Gandhiji's non-violent struggle first in South Africa and then in India.

Regarding the Demonstration episode in retrospect, Gandhiji wrote: "I had a most valuable experience and whenever I think of that day, I feel that God was preparing me for the practice of Satyagraha."[86]

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Part Two

THE TIGHTENING NOOSE

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CHAPTER V

'A LEONINE PARTNERSHIP'

1

THE YEAR 1897 opened inauspiciously for South Africa and proved a particularly calamitous one for the Indian community. There was bad news from home. A famine of unprecedented magnitude had hit the mother country. The shadow of pestilence and famine had been lengthening over India in the last quarter of the nineteenth century. During the earlier famine of 1877-1878, deaths from starvation were estimated to be 5·25 million in a population of 97 million, the expenditure incurred during the crisis being 11 million pounds. But the latest one was admitted to be more widespread than 'any previous famine known in history'.[1] Miles of cultivable land became waste; jungles grew on homesteads, wheat lands, and rice lands; millions died of starvation. Nevertheless, land revenue was collected to the tune of 17 million pounds, and cultivators paid it largely by selling their foodgrains, which were exported to the extent of 10 million sterling in that disastrous year. And this at a time when the Indian troops were covering themselves with glory in desperate encounters with the Afridi tribes that led to the capture of Dargai (October 1897).

The woodenness of the Indian bureaucratic machine combined with the callousness of British officials to heighten the tragedy of nature's wrath. As early as November 28, 1896, the *Times of India* had reported: "Thousands are dying of famine and are ready to live on bare maintenance."[2] Three weeks later the *Westminster Gazette* carried the following from its special correspondent in India:

> Yesterday while I was driving in the evening, a woman held out her child and let it drop thud on the ground—it was dead. They die on the roads, in the ditches, or outside the gate; and the famine is just beginning now.[3]

Yet on December 21, the Secretary of State for India, Lord George Hamilton, was dissuading the Lord Mayor from opening a Mansion House Fund as admission of a famine in India would have been damaging to British prestige. On the following day he similarly dissuaded the Lancashire Committee from opening a fund.[4] Replying to an Indian deputation that waited

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on him on December 30, the Lord Mayor revealed that almost his first act after entering office had been to place himself at the entire disposal of the Indian authorities to raise a Mansion House Fund, but he could not "fly in the face of the Indian Government".[5] It was only after the Indian National Congress at its annual session had authorised its President to cable to the India Office a strong resolution that it had adopted, and even the organs of his own political party, including the faithful *St. James' Gazette* had turned against him ('This masterpiece of melancholy meanness') that Lord George Hamilton bowed before the storm and on January 9, 1898, the Mansion House Fund was opened in London.

A Famine Fund had already been opened in India under the Chairmanship of Sir Francis Macleane, Chief Justice of Bengal, and cables had been sent to the Mayor of Durban and the Natal Indian Congress for help. On receiving the cable from the Chairman, Indian Famine Relief Committee, Calcutta, George Payne, the Mayor of Durban, opened an Indian Famine Relief Fund.[6] On the same day the Indian community received six subscription lists from the Mayor for the Indian Relief Fund, one headed by the Mayor himself for £ 50.

Unfortunately it happened to be a calamitous year for South Africa also. A severe drought had converted several districts into distress areas. With scores of deaths from starvation being reported weekly from among the natives, and a widespread rinderpest threatening to denude immense tracts of their cattle wealth, the prospect of mobilising the philanthropy of the whites was extremely discouraging.[7] Undeterred by the odds, however, Gandhiji immediately issued an appeal through the *Natal Mercury* to ask the Colonists, "even if there should be a call on the ... Natal magnates on behalf of the South African poor", to dip their hands "deep into their purses" so as to save millions of their fellow subjects in India, who were on the verge of starvation. "I am sure British philanthropy will assert itself ... on behalf of suffering humanity, no matter where and how often."[8] In a circular he asked his countrymen in South Africa whether they realised that, notwithstanding the fabulous accounts of her Rajahs and Maharajahs, even without famine, about 40 million in India did not know what it was to have their hunger satisfied from year's end to year's end. They must not say they had already given enough. "You would not say so if you saw a man dying at your door of hunger; you would give all you may have to satisfy the hunger of that dying man. In the present case, the only difference is that millions are dying of hunger far away from you, in a place which is your Motherland." Nor must they excuse themselves, saying that what they might give would be 'a mere drop in the ocean of suffering' in India. "It is the drops that make the ocean." Even more important than the monetary relief itself was their active involvement in the philanthropic effort by an

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act of self-abnegation—however small. Those who were not in affluent circumstances were asked to deny themselves something, "some luxury, some jewellery, anything that is not absolutely necessary for you".[9]

The *Natal Mercury* appealed to the Colonists to rise above their grievances on the question of the Asiatic immigration, and not allow their personal antipathies to crush their nobler feelings of humanity. "It is to be hoped ... that although Natal is anti-Asiatic it will not be anti-humane."[10]

At a meeting of Colonial-born Indians, held in St. Aiden's School room, proposals outlined by Gandhiji in his circular were adopted, all present pledging themselves not only to help with money contributions but also to work in getting donations. A fund had been started at a meeting of the merchants on Mr. Peerun's premises, but the result was considered unsatisfactory. Another meeting was consequently held at Messrs Dada Abdulla & Co., when almost all the subscribers doubled and trebled their contributions, Sheth Abdul Karim's rising from £ 35 to £ 101, and Sheth Abdul Kadir's from £ 36 to £ 102, while Sheth Dawood Mohamed put down £ 75. A strong committee, representing all classes and creeds amongst Indians, was set up; circulars in English, Gujarati, Tamil, Urdu and Hindi were issued; and arrangements were made to solicit subscriptions from the Indians in Maritzburg, New Castle, Charlestown, Dundee and other centres, besides Durban. Meticulous care was taken in the collection and handling of funds. Intending subscribers were informed that a receipt in Tamil or English signed by M. K. Gandhi and countersigned by the person or persons receiving the subscription would be issued to every subscriber, 'whether they asked for a receipt or not', and the names of those who donated more than 10s would be duly published in the papers. People were cautioned not to give any money without a proper receipt. Hope was expressed that the Indians would furnish at least £ 1000 for the sufferers, "though there is no reason why the funds should not amount to £ 7000 and more ..."[11]

Within a couple of days Durban merchants alone had subscribed £ 700, and a sum of £ 1150 was raised in a fortnight, the expenses of collection being less than £ 20. On learning that only one European had subscribed to the Mayor's Fund, Gandhiji addressed a letter to the Clergymen of Durban, asking them to call upon their congregations from the pulpit for funds on Sunday next. An appeal was accordingly issued by Dr. Baynes, the Bishop of Natal, to the Colonists to remit subscriptions to Canon Booth of St. Aiden's Mission, Durban, in discharge of an obligation they "as Christians ... and still further as Natal Colonists", owed to India "which has sent us, at our own request, so many of her sons as indentured labourers, to help in the development of the land. Whatever views we

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may hold as to the true policy in this matter for the future, we cannot evade the obligation which we have incurred by our own act in the past."[12]

Gandhiji also addressed a personal letter[13] to Mr. (later Sir) J. B. Robinson, the ruthless multi-millionaire Colossus of the Rand, (see *The Early Phase*, p. 309). Nicknamed 'the Buccaneer' by his contemporaries, on his death at the age of eighty-nine in 1929, he disposed of his fortune of about twelve million sterling without leaving a single penny to any charity or national institution. It was said about him that his 'meanness' after death 'corresponded with his stinginess during his life time'.[14] It is not known whether he unloosened his purse strings on this occasion. But it betokened Gandhiji's inborn faith in human nature in which, as we shall later see, lay the secret of his spiritual courage that recked no odds, however great. Indians in the Transvaal collected a sum of £ 218,[15] and on May 7, Gandhiji was able to report that total collections in the hands of the Mayor amounted to £ 1535.1.9, out of which over £ 1194 were subscribed by the Indians.[16] Extremely significant was the comment of the *Natal Advertiser* on the paucity of the European contribution to the Fund. It (the paucity) was "perhaps not to be wondered at, considering the ruin with which the Colony is threatened from these same Indians".[17]

2

Even before the Indian Famine the plight of his fellow countrymen in the Transvaal claimed Gandhiji's attention. Following the Jameson Raid, Kruger's Raad had passed two laws—The Transvaal Aliens' Immigration Act, empowering the Government to expel any Uitlander from the Republic; and the Immigration Act, aimed at prohibiting the entry of "paupers with contagious disease and other undesirables". Indians had hitherto been allowed to enter the Republic if they had £ 25 on them. But towards the end of January 1897 the officials at the Transvaal border started disallowing them to cross the border altogether. Gandhiji took up the matter with the British Agent at Pretoria. Luck favoured the Indians. As these laws applied equally to all Uitlanders, whether Asiatics or Europeans, the British Government strongly objected to them on the ground that they were in contravention of the London Convention of 1884 (see *The Early Phase*, p. 354). Ultimately President Kruger had to yield to British pressure and recommend their repeal.

There followed the plague. Identified in Bombay in September 1896, it had appeared in Karachi in December of that year, and by April 1897 had become epidemic in Poona, claiming a toll of 3000 lives. The scare created by it came extremely handy to the Colonists in working up anti-Indian prejudice. We saw how they availed themselves of the Quarantine

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regulations to board the *Courland* and *Naderi* to prevent the passengers from landing. But, when about the same time the S. S. *Greek* had arrived in Natal from an infected port, the demonstrators, having forced their way on board, had promptly withdrawn as soon as they were told that there were no 'undesirable class' of Indians, i.e. free Indians, on board. The question of quarantine was not raised in their case for a period any more than medically necessary. Obviously indentured Indians and Europeans coming from India were supposed to be immune from this fell disease.[18]

What is the explanation of this strange phenomenon? The white settler, as Rhodes put it, preferred the 'nigger's land' to the 'nigger'. But he could not have the one without the other. Similarly, the white settler could not do without the 'coolie', but he did not know how to get rid of him when the last drop of benefit had been squeezed out of him and he wished to settle down as a free ex-indentured Indian. His dependence on the man he held in contempt made the European despise himself. The man he despised but could not do without in consequence became the target of his irrational sadistic fury. He began to regard the free Indians as the *bete noire* to be detested even more than the plague. Said one speaker at a meeting in Pietermaritzburg that he 'half expected' to hear someone cry with respect to the plagues "to which the Indian is particularly liable, let 'em all come' ".[19]

The following were some of the disabilities under which the Indians in Natal were labouring at this time.

1. Unlike Europeans they could not be out after 9 p. m., unless they could produce a pass.
2. Any Indian was liable to arrest at any time of the day unless he could show a pass to the effect that he was a free Indian.
3. Indians, unlike Europeans, when driving cattle, were required to provide themselves with certain passes.
4. A bye-law in Durban provided for the registration of native servants and Indian servants, who were described as 'others belonging to the uncivilised races of Asia'.
5. An indentured Indian, when he became free, had either to return to India, his passage being paid for him, or pay an annual poll-tax of £ 3 as the price of permission to live as a somewhat free man in the Colony.
6. Indians, unlike Europeans, in order to be entitled to the Franchise, had to prove that they belonged to a country "possessing elective representative institutions founded on the Parliamentary Franchise", or they must receive an order of exemption from the Governor-in-Council.
7. The Government High Schools were closed against Indian students,

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no matter what their abilities, character and standing.[20]

Presently more were to be added to these—all directed against the free Indian.

3

Harry Escombe had raised the Frankenstein of the Demonstration Committee. To control it he had to make a compact with it, when it threatened to get out of hand. It now demanded the price. As early as January 8, 1897 the Natal Ministry, in virtue of the promises made by the Attorney-General to the Demonstration Committee, had addressed a despatch to Sir Walter Hely-Hutchinson, the Governor of Natal, suggesting that uncovenanted labour through private agencies was being brought into Natal in contravention of the Indian Emigration Act; that the introduction of these Indians, not medically examined and passed, was fraught with the danger of introducing the bubonic plague from Bombay; and that influx of free Indians had provoked a very strong agitation in Natal. His Excellency was requested to inform the Government of India of these facts and to ask if it could assist them in coping with the situation by making use of such powers as it possessed or which it might acquire "to arrest the immigration to Natal of free Indians from ... Indian ports" [21] On January 14 the Ministers repeated their request to the Governor. Not averse to letting the threat of plague be used by the Natal Government as a lever, he wrote to the Viceroy of India as requested on the same day, and also to the Secretary of State for Colonies.

The Government of India's reply was not very encouraging. Indian law did not restrict emigration, they wrote back, unless an emigrant was already under agreement to labour, and the Government of India could not prohibit the departure to any port of Indians or any other class of Her Majesty's subjects who paid their own passages and embarked without specific contracts. Nor could they possibly propose to their legislature to take such power. They were, however, taking steps to warn intending emigrants that their landing in Natal was 'likely to arouse strong popular feeling'.[22] As for bubonic plague, the Natal authorities were informed that Government control was limited to indentured emigrants and these all embarked for Natal from Calcutta or Madras where no plague existed. In case of free emigrants sailing from Bombay 'length of voyage and quarantine imposed by Natal' were deemed to afford 'ample protection'.[23]

Not less willing to oblige than the Governor, the Secretary of State for Colonies likewise wrote to the Secretary of State for India, who wired to the Viceroy on January 21, asking him in view of the bubonic plague

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to issue necessary orders to keep shipments of emigrants from Bombay under 'rigid sanitary control', and pending full enquiry stop persons suspected of evading the Emigration Act 21 of 1863.[24]

The reaction of the Viceroy's officials to the despatches from South Africa and the India Office was sharp and emphatic. J. W. Woodburn, Member of the Viceroy's Executive Council, in his noting dated January 13, 1897 observed:

> It is not the plague but the competition of free Indian labour of which Natal Colonists are afraid. They will doubtless pass an anti-Indian law but that is their affair.[25]

F. G. Sly was Under Secretary of the Revenue Department. As President of the Champaran Agrarian Enquiry Committee at the time of the Indigo Satyagraha in 1917 he made history, and was later the Governor of the Central Provinces. He characterised the Natal Government's complaint, that the emigration was not quite voluntary and was in contravention of the Act, as being "without a shred of evidence", and as "nothing more than an attempt on the part of the Natal Government to evade the disagreeable duty" of enforcing its own law for the protection of free emigrants. "We all know that the suggestion ... was made at the instance of the Emigration Agent, Calcutta, and we also ... know that the view of the Emigration Agent is wrong."[26]

Denzil Ibbetson, Secretary to the Government of India, thought that the emigration of which the Natal Government complained was *'bona fide* free emigration' and 'in no sense an evasion of any law', and hence they had no power to interfere with it.[27]

Nevertheless, the Government of India instructed the Bombay authorities, as desired by the Secretary of State, that all evasion of the existing emigration law should be prevented, and for this purpose a careful watch should be kept upon emigrants sailing from the ports of Bombay and Karachi. The Governments of Madras, Bombay and Bengal were further asked to warn Indians proposing to leave for Natal that their landing would "probably arouse strong popular feeling and it might be difficult to protect them from violence".[28]

On January 26, 1897 the Viceroy informed the Secretary of State for India that in September, 1896 the Government of Bombay had reported on similar emigration of 249 'coolies' and other ex-indentured labourers from India to the east coat of Africa, including Natal, "and they appeared to be genuine, free emigrants with money in pocket going to better themselves and no grounds were discovered for suspecting evasion of law".[29] They were, however, considering the propriety of amending the Emigration Act to prevent evasion. Two days later they introduced into the Council measures to prevent ships leaving India without clean bills of health.

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The Secretary of State for India in his reply to the Colonial Office, dated February 9, 1897, pointed out that the Natal Government's complaint about suspected contravention of the Immigration Law rested on a report by Sir Charles Mitchell, Recruiting Agent for Natal, who in his turn had based it on "nothing more than certain statements made by an anonymous correspondent of a Natal newspaper".[30] It was, however, possible that a scheme for providing assisted emigration had privately been devised in order to evade both the covenant to return to India on the expiry of their final indenture and the penalty of £3 per annum, which under the amended Immigration Law, indentured labourers were compelled to pay on failure to return. It was, therefore, for the Natal authorities to make a careful investigation in the Colony itself as to how these labourers were able to pay their passage and what terms they were offered, or offered themselves on, to the planters. Then only would the Government of India be in a position to judge whether any contravention of Emigration law had occurred and what action could be taken in case it had occurred.

Concurring with this, Chamberlain wrote to the Governor of Natal on February 13, 1897 that in his view an enquiry should be made in the Colony as suggested by the Secretary of State for India. This being done, on March 31, 1897, Mr. Mason, Protector of Immigrants, reported to the Natal authorities, "I regret that my enquiry does not help Government."[31]

4

On February 14, 1897 Sir John Robinson resigned from the Natal Premiership, which he had held since 1893, and retired from political life after 37 years of strenuous work which began at the age of 34,[32] Harry Escombe succeeding him as Prime Minister. Immediately the *Natal Mercury* reminded the new Ministry about "what the Robinson Government had promised in respect of Asiatic Immigration".

The European clamour for anti-Asiatic measures had been steadily growing. Prodded by the Colonial Patriotic League and the Demonstration Committee, the Town Council of Durban Corporation had as early as January 26, 1897 adopted a resolution praying that 'means be enacted' to carry out the following objects:

1. No freehold or leasehold land or property should in future be held or acquired by any person of Asiatic descent.
2. The Town Council of any borough should have full authority to grant or withhold at its discretion a licence to carry on any business or occupation to any person whom the Council may deem undesirable,

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and no licence, in any case, should be granted to any person who was unable to or had neglected to keep his books in the English language.

3. Any Town Council should be empowered to assign any part of the borough as a location for any class of persons and to enforce regulations in reference to such locations, and
4. Parliament should be summoned at the earliest possible date to carry the above into effect.[33]

The new Government turned down the first demand, promised in answer to the second to introduce a Bill to give greater discretion to licensing authorities whether in or out of borough, and gave a not very encouraging reply to the Town Council's third demand. The Parliament was summoned on February 23, 1897 a month earlier, and the following three Bills were gazetted:

(1) *The Quarantine Bill* empowering the Governor-in-Council not only to return any ship coming from infected ports without allowing her to land her passengers and cargo, but also to prevent any person, coming in the first instance from an infected port, from landing in Natal, even though such person had *transhipped* into some other boat on his way to Natal. Any person landing in contravention of this act was liable to be at once returned to the ship that brought him to Natal and the Master of the ship in question would be bound to convey him from the Colony at the expense of the owners of the ship. The Master and owners of such ships were further liable to a penalty of not less than £400 sterling for each person so landed and the vessel would be refused clearance outward until such penalty had been paid and until provision had been made by the Master for conveyance out of the Colony of each person who might have been so landed.

(2) *The Immigration Restriction Bill* aimed at "preserving the identity of the Colony from immersion by a flood of low class, low caste, illiterate, criminal ... population of whatever colour, race or creed".[34] It provided among other things that any person who was a pauper or was likely to become a public charge or could not write out and sign in the characters of any European language an application to the Colonial Secretary according to the form given as a schedule to the Bill, would be treated as a 'prohibited immigrant'. A prohibited immigrant making his way into or being found in Natal would be liable upon conviction to be sentenced to simple imprisonment up to six months and summary deportation from the Colony. If a person appeared to be a prohibited immigrant, he would be allowed to land only on depositing a sum of £100—the amount of the deposit to be forfeited—if he failed to obtain a certificate from the Colonial Secretary or the Magistrate, within one week after entering Natal, that he did not come within the prohibition of the Immigration Restric-

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tion Act. A prohibited immigrant was further debarred from having a licence to carry on any trade or calling, nor would he be entitled to acquire land in leasehold, freehold, or otherwise, or to exercise the franchise or to be enrolled as a burgess of any borough or to be on the roll of any township.[35]

The original draft Bill contained a further clause which provided that any person who was unable to satisfy the officer appointed for the purpose that he was possessed of available means of subsistence of his own to the value of not less than £25 would also come under the definition of a 'prohibited immigrant'. This clause was later dropped, when the Natal whites objected to it on the ground that a penniless European immigrant might be a more desirable addition to the Colony than an Asiatic with twenty-five pounds and more in his pocket.

In terms of this Bill no Indian, however learned he was in any of the Indian languages, could land in Natal even temporarily, if he did not know a European language. He could go to the Transvaal, a foreign territory. Even in the Orange Free State, that had thrown out Indians bag and baggage, any Indian could stay for two months without having to go through any ceremony, but he was precluded from setting foot on the soil of Natal—the most British of British Colonies! An Indian Prince on a world tour could not under this law land in Natal unless special permission was accorded to him.

Indians in Natal used to draw upon the mother country for domestic servants and shop assistants. The new law barred the entry of this class into the Colony. Muslims thereafter might not send from home for a *Maulavi;* or the Hindus a *Shastri* to teach their children through the medium of the mother tongue or to perform religious rites and ceremonies, because he could not read or write any European language.

(3) *The Dealers' Licensing Bill,* requiring that traders should keep their books in the English language and giving absolute power to the licensing authority to refuse to issue or to renew licences, with no right to the aggrieved party to appeal to a law court.

None of these Bills specifically related to Asiatics. Although it was well understood that they would be enforced in respect of the Indians alone, apparently they placed all communities on an equal footing.[36] Even this fiction of equality before law between the European and the Asiatic became a red rag to the Natal whites. In vain did the *Natal Mercury* try to explain that they had been drafted to apply to all and sundry so that they did not come under the suspensory condition attached to such measures.[37] The Demonstration Committee prepared a draft Bill, 'The Asiatic Immigration Restriction Act', in which the Asiatics were particularised as 'prohibited immigrants'.[38] At a public meeting convened by the Colonial Patrio-

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tic Union, presided over by the Mayor of Durban on March 11, 1897 one of the members, Dr. Mackenzie, went so far as to suggest that they must be prepared to shed their blood to have their wishes respected by the British Government. "It was the man who cocked his rifle at the British Government who got what he asked for." There should be forcible resistance to the landing of the Asiatics, he exhorted.[39]

Mr. Maydon in a speech at Bellaire repudiated outright the 'British subject' argument. They all knew, he said, the loyalty of Sikhs and Gurkhas. They were entitled to the crown of citizenship. But were they equally to give that right to the rest, "Nana Saheb and his tribe, whom those very fellows had helped to reduce to subjection"? he asked. They all wanted to exclude the Asiatics. But in the Bill gazetted by the Government there was not 'even a hint' of the real object they had in mind. It was not the wont of the English people to ask in a roundabout way. They preferred to call a spade a spade.[40]

It had been argued in favour of the Immigration Restriction Bill that, if passed, it would not in any way affect the supply of indentured labour from India.[41] But, said Mr. Maydon, he would rather have the Asiatic excluded by name "even at the price of giving up indentured Indian immigration, although he knew it would mean complete paralysis of nearly all those industries and pursuits in which he was personally engaged".[42]

The *Natal Mercury* expostulated: It was all very well talking about going straight on, but the shortest cut was often the longest way home.[43] The advent of the 'coolie' had brought 'new life' to the Garden Colony. The difficulties were not to be overcome by totally ignoring them. "Nature works her way along the path of least resistance, and a man must do the same in all his works and actions if he is safely to reach his goal."[44] The *Natal Advertiser* told the leaders of the Demonstration Committee "not to selfishly forget" that what they were asking for "must necessarily be more or less offensive" to the people and Government of India.

> ... we can well imagine the resentment that would be felt at the sudden stop placed on immigration. ... The people who have helped to make Natal prosperous, they would say, are now to have the gates shut in their faces; and in future an Indian will be asked to give the best part of his life in improving the Colony and after making his home in the place for some ten years and having children born to him and having acquired a love for the land he is then to be shipped back to his native country, back to the old squalor and hardships that he had happily forgotten.[45]

If they passed a class Bill, the journal continued, it would necessarily have to go to the Colonial Office for Royal assent. This would most probably be refused. The Bill would then be returned to the Colony and have again to pass through Parliament, "and in fact a system of bullying the

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Home Government would have to be resorted to", which no patriotic Colonist could contemplate. What they wanted was unquestionably difficult of attainment. "So long as we get what we want we ought to be very well satisfied, without ... attempting to dictate to the Imperial Government the particular manner in which we wish to secure those measures."[46]

The opposition, however, refused to unbend. The Colony would rather wait, till they would get a 'straightforward' Bill, they said. In the meantime rigorous enforcement of the Quarantine Law would suffice to control Asiatic Immigration.[47]

5

Anticipating a rough passage for the Bills in Parliament the Ministerialists called meetings at Richmond under the auspices of the Colonial Patriotic Union and at Maritzburg under the auspices of the European Protection Association, in order to muster public support for the Government. At the Maritzburg meeting Mr. Tatham, characterised the Immigration Bill as "one for the encouragement of Asiatic Immigration and the exclusion of Europeans". Once the laws were passed, he said, the Government had nothing to do with them, the administration of the law being vested in judicial authority. "If the laws were not enforced Mr. Gandhi could petition the Supreme Court, and the Judges must direct the officer to do his duty irrespective of class, creed or colour."[48] A rift in the lute, however, appeared at Stanger where at a meeting one of the speakers, Mr. W. F. Clayton, maintained that "not only the coolie labourer ... but the Arab store-keeper had been of benefit to the Colony". The meeting, he held, was not justified in coming to a 'wholesale condemnatory' resolution on the Asiatics.[49]

A 'regular correspondent' took up the cudgels on behalf of the 'coolies'. Referring to the complaint that the Indians with their low standard of living provided little custom to European business, he wrote in the columns of the *Natal Mercury*: True, 'coolies' wore lighter clothes and slippers than Europeans, still it was an advance on their 'location natives' with whom the European wished to see the Indian 'coolie' replaced "and, many years ago, boots were rarely seen on white men or women on farms, or children even among the uppish class of the city. Their feet seemed none the worse, though bad for butchers and licensed victuallers". All these things, he had no doubt, would in due course find their own level but to force by Act of Parliament what people were to eat and drink and wear was sheer tyranny.[50] "We cannot get out of it. Ours is a black Colony," he continued. The white man's role undoubtedly was and must be to be boss but it was the presence of the 'native' and the Indian which made this

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possible. Besides, there was the Imperial aspect of the question.

> (They) talk of the Federation of the Empire, and are tabooing our fellow-subjects of India, whose warriors have fought shoulder to shoulder with ours, whose armies have upheld the honour of the flag on many a gory field! There are plenty of European stores in India, and well patronised and flourishing, too.[51]

These were, however, voices in the wilderness. Resolutions supporting the Government measures were passed at all the three places. The atmosphere reeked of anti-Indian prejudice.

The prejudice sometimes ran to extravagant lengths. A columnist of a leading daily of Natal reported the instance of a socialite lady, who was heard to express a pious horror at the idea of eating a 'coolie's hen's eggs'. "What essential difference is there between an egg laid by a coolie hen, (by which I mean a hen owned by a coolie) and the similar product of a fowl owned by a European", he puckishly asked and went on to observe :

> There are, I admit, eggs and eggs. There are, for instance, the platform and stage egg (addled), the pastry egg, the 'bad egg', the egg of the 'oof fowl, and the egg laid by Jameson's cackling hen (produced while you wait species). Each has its merits and its utility ... But to return to the lady and the egg of the coolie hen. Probably she (the lady) never dreams while reposing that the pillowslip on which her dainty head rests has been washed and manipulated by the hands of her dhoby ... that the vegetables she eats are cultivated by Sammy and that the fish she enjoys has been caught and handled and fondled by the same individual—yet all this, if I may be eggscused (*sic*) for saying it, seems to me much like straining at the egg of the unoffending hen and swallowing the rest of the coolie's stock-in-trade.[52]

It was, however, not always so innocent. In the second week of March 1897, a fire broke out at night in an Indian store at the west of West Street. Soon the street was crowded with large throngs of whites. By the time the police arrived with fire-fighting equipment the place was a mass of flames and several Indian stores were ablaze. The adjoining double-storeyed premises (Indian owned) too were in imminent danger. The police were straining every nerve to save them and a jewellery store owned by one Tillok Singh. But the large crowd that had assembled there seemed 'to enjoy the fire immensely', looking upon it as 'a fine Saturday evening entertainment'. They were only sorry that the police were doing their duty too smartly.

> As each fresh outburst of flames took place a ringing cheer rose from the crowd, who made not the slightest effort to help the Indians in the adjoining stores to remove their goods. Much speculation was indulged in as to whether the jewellery store and the two

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storeyed premises would escape, and in order to make this impossible suggestions were made that the hose-pipes should be cut. Happily this was not attempted. When the jewellery store did catch fire the crowd was jubilant.[53]

It was in this poisoned atmosphere that the three anti-Indian Bills were taken up in the Natal Parliament when it opened on March 18, 1897.

6

As soon as he got wind of what was cooking between the Natal Ministry and the Colonial Office, Gandhiji alerted Sir William Hunter, Sir Muncherje Bhownaggree and the British Committee of the Indian National Congress. On January 28, 1897, he cabled :

> Government negotiating with Home Government to secure anti-Indian legislation. Please watch.[54]

On the following day he informed Sir William Hunter that the Government intended to introduce in March next laws restricting the influx of the Indians. Town Councils had been asking the Government for "the widest power to enable them to prevent Indians from taking out licenses to trade, owning landed property, etc." Under the circumstances he felt that the continuation of assisted immigration to Natal would be a great anomaly and ought to be stopped. He asked Sir William to await a memorial to Chamberlain dealing with all these matters in detail that he was preparing.

Sir William was all sympathy. Wishing them success "in all legal and orderly efforts to obtain justice", he encouragingly wrote back that they had only to be patient, and to represent their case 'without exaggeration', in order to obtain attention and redress. He cautioned them in their forthcoming memorial not to lay too much stress on the abuse by the Natal authorities of the quarantine regulations as Europe had been so thoroughly frightened about the plague that any quarantine measure however excessive would find both medical and political advocates galore in England. "We must be careful not to raise side issues or to allow the Indian question in Natal to be mistaken for one of quarantine against the plague."

He lost no time in communicating Gandhiji's telegram and letter to influential quarters including *The Times*. As an old experienced administrator, who knew what an Indian famine meant, he was only afraid lest any development of race feeling at that juncture might check the subscriptions to the Famine Relief Fund. The difficulties, however, he hoped, 'although serious for the moment' would prove only to be temporary.

Premiers of self-governing Dominions had been invited with their wives to London to participate in the public commemoration of the sixtieth anni-

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versary of the Queen's accession. It was expected that this would afford a valuable opportunity for informal discussions on questions of great Imperial interest. On account of his own indifferent health, Sir John Robinson chose Harry Escombe to represent him on the occasion. The Indians thought this would be an excellent occasion for them also to put their side of the case before the British authorities. They deputed Shri Mansukhlal Nazar to explain the situation to the British Government and to provide liaison between the Natal Indian Congress and the British authorities and friends of India in England.

No sooner was this done than the cry was raised in the Press that 'evidence' was being collected by Gandhiji against the Colony and a gentleman was being sent to England to lay it before the Home Government. Sometime after this, Mohan Ray was authorised by the Natal Congress to stop in England, *en route* to India, to lay the Indian case before the British authorities and, if necessary, before the British public. He was dubbed a 'paid agent' whose mission was 'to malign the Colonists in British eyes'. Gandhiji scented danger. It was this kind of misrepresentation that had led to the Demonstration against the landing of Indians in January last. In the surcharged pre-election atmosphere the need for extreme caution was obvious. He promptly issued a categorical repudiation of the unwarranted statement. A public-spirited man, Mohan Ray had volunteered his services; he was not to receive any remuneration but only passage and expenses. The statement that 'evidence' was being collected against the Colony was 'very ugly'. The Indians never had wished and did not wish to make out a charge of 'brutality or general bodily ill-treatment' by the Europeans. Nor did they wish to make out that the treatment of the indentured Indians in Natal was worse than elsewhere. "The gentleman in question will certainly be put in possession of all the information about the Indian question in South Africa, but that appears in the papers already published."[55]

Gandhiji had the foresight from the start not to make the Indian question a party issue but an issue of first-rate Imperial concern. Mansukhlal Nazar kept in close touch not only with Congressmen but also with people from groups that were not sympathetic towards the Congress—retired officers of the Indian Civil Service, the India Office and the Colonial Office. And effective beyond all expectation it proved to be.

For instance, Sir Muncherjee Bhownaggree was not a member of the Congress. Politically speaking he was what would be termed a reactionary. But he gave his whole-hearted co-operation to his countrymen in the South African issue, and by his incessant labours in the House of Commons rendered them yeoman service.

The same was true of Sir William Hunter. A nephew of Sir James Wilson, after having nearly topped the list in the Civil Service competitive

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examination, he had joined the Indian Civil Service early, and on his retirement with a K.C.S.I. at the end of a distinguished official career settled near Oxford. Though a conservative and an Imperialist, he, too, wholeheartedly identified himself with the cause of the Indians in South Africa which, as editor of the Indian section of the London *Times*, he helped put in its proper perspective. In his very first letter to Gandhiji, he wrote, "You have been conducting your struggle courteously, peacefully and without exaggeration. My sympathies are entirely with you." Promising to do his best, publicly as well as in private, to see that justice was done to them he added: "I am certain that we cannot yield even an inch of ground in this matter. Your demand being so reasonable, no impartial person would even suggest that you should moderate it."[56] Later, he reproduced it almost word for word in his first article in the *Times* on the question. He never wavered. Lady Hunter, in one of her letters to Gandhiji, described how shortly before his death in February 1900, he had prepared an outline of a series of articles which he had planned to write on the Indian question.

In England the task of friends of India was made all the more difficult at this juncture by the murder in Poona of two British officers, and the popular disturbances following the conviction and imprisonment of Lokmanya Tilak for sedition. Complained Sir Muncherjee Bhownaggree in a letter to Gandhiji: "Recent events in India ... have caused much distrust of the motives of local Indian politicians, and, unfortunately, of the loyalty of natives generally."[57] Nazar, however, persevered. He succeeded in gaining the support, among others, of the East India Association. Its Chairman, Sir Lepel Griffin, was opposed to the current political movement in India. But in the matter of the Indians in South Africa he threw the whole weight of his influence on their side. Mr. Robert Gust, Secretary to the Royal Asiatic Society speaking at Westminster before the East India Association, denounced the agitation that was on foot against the Indians in Natal where, as he put it, "they were to the governing body somewhat in the position of the Uitlander in the Transvaal". The Government of India had one simple remedy, he said, viz. "to suspend Indian immigration to Africa...". The cry of the Uitlanders was sounding in British ears but it was "difficult to differentiate between the attitude of Natal towards the Indians and that of the Transvaal towards the Uitlanders",[58] he concluded.

The Indians in South Africa were thus able to have supporters in all groups and parties in England, irrespective of their political affiliations, purely on the score of the justice of their cause.

7

Three days before the Natal Parliament opened Gandhiji had got ready

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the draft of a Memorial to Chamberlain, to which he had referred in his letter to Sir William Hunter on January 29 last. It was signed on behalf of the Indian community by Abdul Karim Hajee Adam of Dada Abdulla & Co. and 32 others. A work of immense labour, comprising 52 printed pages and 28 appendices, it described with the help of numerous extracts from Press the history and nature of the anti-Indian agitation that had culminated in the Demonstration against the landing of the Indians on board the *Courland* and the *Naderi* in January last; how it had been encouraged by the authorities; and its subsequent growth, of which the three new anti-Indian Bills were the direct result. The Colonial Patriotic Union had demanded that indentured labourers with their wives and children, if any, should be returnable to India after completion of their indenture, with a view to preventing the further influx of free Asiatics into the Colony. The Natal Government had declared themselves in entire sympathy with the Union's programme, and Her Majestry's Government, by yielding to the demand of the European Colonists to establish the principle of compulsory return of the Indians on the completion of their contracts, had encouraged them to ask for more. The Indian community were now expected to join in a 'leonine partnership' in which they were "to give all but to receive nothing". The Memorialists earnestly hoped that Her Majesty's Government would never countenance "so obviously iniquitous an arrangement".[59]

The most fatal objection against these Bills, they urged, was that they were intended to check an evil that did not exist. There was no warrant for the assumption, on which the anti-Indian measures were based, namely, that there was a danger of the Colony being swamped by the influx of free Indians. Of late there had really been no increase in the number of free Indians arriving in the Colony. Formerly Indians used to come by the German boats as well as by those of the B.I.S.N. Co. Since the latter boats transhipped their passengers to other boats at Delagoa Bay, the Indians came in small batches and were not much noticed. But, in the year before, two Indian merchants had bought steamers and established a direct service between India and Natal with the result that most of the Indians wishing to come to South Africa, naturally, availed themselves of this service. Their arrival in a body instead of separately in small batches attracted attention. Nobody took any notice of those that returned to India. A report by Mr. G. O. Rutherford, Acting Protector of the Immigrants, however, showed that the two more or less balanced each other.[60]

Equally unwarranted was the statement that there was any competition between European and free Indian artisans. There were very few Indian artisans in the Colony in fact, and they were of an inferior type. Indian artisans of high order did not come to the Colony. Competition in trade, if any, could be made possible only by the large support given by the Euro-

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pean merchants. But the very fact that the European merchants were 'willing, nay anxious' to support Indian traders proved that they did not compete with them to any appreciable extent. The Indians functioned largely as agents for the Europeans. "They, really speaking, act as middlemen, and begin where the Europeans leave."[61] It was because the Indians sold the wares for the European merchants that so many large European houses were able to provide employment to hundreds of European clerks and shop assistants.

While none of these Bills openly showed their object, the memorialists concluded they were aimed, as any one could see, at the Indian community and, unless Her Majesty's Government intervened on their behalf, there was likely to be no finality to the anti-Indian legislation in the Colony. They, therefore, prayed the authorities to make a timely pronouncement on the policy with reference to the status of the Indian British subjects "so as to remove and prevent restrictions on Her Majesty's Indian subjects residing in the Colony of Natal, or grant such relief as may meet the ends of justice".[62]

On March 27, Gandhiji sent a copy of this Memorial to a number of public men in England. With it he enclosed a note cataloguing the more important legal disabilities of the Indians in Natal. On April 2, he sent copies to public men in India.

In the meantime the Bills having been introduced in the Natal Assembly, on March 26 the Indians sent a petition to the Speaker and Members of the Natal Assembly in which, using the same arguments as in the Memorial to Chamberlain, they pressed for a census of free Indians to be taken, and a searching enquiry to be made into the question of the Indians' being an evil, "to enable this Honourable House to arrive at a right conclusion with regard to the Bill".[63]

While expressing their readiness to co-operate with the authorities in carrying out any measures of quarantine that might be necessary to guard the Colony against the introduction of infectious diseases into it, the petitioners pointed out that the Quarantine Bill was in fact "simply a part of the anti-Indian policy".[64] This had tacitly been admitted by the Ministerial organ itself, when replying to those who had urged that a 'straight Bill' should be brought up against the Asiatics in particular, even though it might mean a long Constitutional struggle, and in the meantime the Colony should protect itself with the Quarantine Act, it had written.

> It would imply that we were much too high-minded to be dishonest with regard to the Immigration Bill but we had not the slightest objection to take a mean advantage of the provision of the Quarantine Bill to prevent the landing of Indian immigrants in Natal ...[65]

As to the Dealers' Licensing Bill, they protested against discretion being

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given under it to the Licensing Officer to refuse or grant a licence at his own will and more particularly against the clause which gave "the final power to the Colonial Secretary, the Town Councils or Town Boards". To deny to a subject the right to appeal to the highest tribunal of justice against decisions of persons or bodies, "who are not unoften guided and carried away by popular feelings or prejudice", would, they further submitted, be regarded as an 'arbitrary' measure in any civilised part of the world, and "an insult to the British name and its Constitution".[66]

In regard to the Immigration Restriction Bill, they urged that the clause relating to the form to be filled out in European characters made it a class Bill, which was bound to put under a very severe handicap well-to-do Indians, who drew upon India for domestic servants. Similarly, clause 3 (originally clause 5) of the Bill for the Protection of Uncovenanted Indians, by exempting those who might arrest free Indians, not having the pass mentioned in the 2nd clause, from liability to action for damages for wrongful arrest, virtually gave a license to the police to harass with impunity any Indians—not only those who might be found to be without a pass. On the following day, in a petition to the President and Members of the Legislative Council on the same subject, they prayed that, since this Bill had been introduced in the interests of the Indian community, the Indian feeling in regard to it ought to be taken into consideration and the clauses objected to in it expunged.

None of these petitions bore Gandhiji's signature. But their authorship shone through every line. "We shall not be far wrong, perhaps", commented the *Natal Advertiser*, "in ascribing the memorial to Mr. Gandhi's pen, and it must be confessed that he has set forth with force and moderation the objections to the Bill. ... On most of the points raised we are in accord with the memorialists." On the main question, however, it was 'hopeless' to expect an agreement between the European Colonists and the Indian community. "The proposal for a census sounds reasonable, but we want nothing more than the evidence of our eyes to satisfy us."[67] Referring to the Memorial to Chamberlain, the *Natal Mercury* wrote :

> From the Indian point of view ... it cannot be said to be unfairly done. ... Let us frankly acknowledge our fault. ... A decidedly weak point in our case is that we are prepared to raise no objections to the indentured Indian, provided he returns on the completion of his indentures, but that we insist upon the exclusion of any Indians who may pay their passages and seek admittance to the Colony as free men. To the impartial outsider this must appear the very essence of selfishness and one-sidedness, or as the compiler of the memorial calls it, a leonine partnership, in which the Indians are to give all, but to receive nothing worth mentioning ... It would be folly to blind ourselves to it, as it is so obvious that it cannot escape the attention of anyone who considers it.[68]

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"The Indian question almost wholly occupies my attention," wrote Gandhiji in the last week of March to F. S. Talyarkhan. Despatch of the Indian memorial on April 6, 1897 to the Governor, to be forwarded to Her Majesty's Principal Secretary for the Colonies, took a heavy load off his mind. While in India he had tried in vain to persuade this Parsi friend to accompany him to South Africa. The latter now intimated that he was ready to come. Then Gandhiji had felt frustrated over Talyarkhan's eleventh-hour defection. In retrospect he now saw in it an unrecognised mercy of heaven. "I am certainly glad that you did not accompany me," he wrote back, "it is a question whether it would be advisable, in the present state of public feeling for you to land in Natal as a public man. Such a man's life in Natal is, at present, in danger ... The quarantine regulations, too, have been specially framed to prevent any more Indians from coming."[69] A few days later, referring to the impending Bills, he again wrote:

> The question has assumed such a serious phase that the whole (of) India should rise up against the disabilities that are being placed upon the Indians. Now is the time or it will be never.[70]

"The opinion is unanimous," he concluded. "To secure justice action alone is necessary." By 'action', however, he as yet only meant "to inundate the India Office with memorials protesting against the ill-treatment".[71]

8

The fate of the anti-Indian Bills had never been in doubt, so far as the Natal Parliament was concerned. In moving the second reading of the Quarantine Law Amendment Bill in the Assembly, the Prime Minister said that, under the existing law, however strict the quarantine might be, it was sometimes difficult to make it complete. Added to it was the large expense incurred, which the ships refused to bear.[72] The Bill before them would *enable the Natal Government to arrest the immigration of free Indians to the Colony.*[73] The House then went into Committee. In answer to Mr. Tatham the Prime Minister said that the Bill did not require to be especially reserved for Royal assent.[74] It passed the third reading in the Assembly on April 4, 1897.[75] On April 8 it went into Committee of the Council and passed through it on the same day.[76]

The Immigration Restriction Bill came for second reading in the Assembly at 8 p.m. on March 31, 1897. Mr. Henry Binns attacked it on the ground that it was not a straight Bill. "It was un-British ('No, No') and un-Irish, (laughter) ... Nobody liked the Bill, and the Premier certainly did not like it." With regard to the signing of an application in a European language he asked: did the Premier suppose that 'the wily Hindu', even on his passage from India would not be able to learn to do that? Little could he have

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imagined at the time that before long his own description of these Bills would boomerang on him, when as Prime Minister of Natal he would be called upon to defend the measures he had so unsparingly denounced. Mr. Maydon said that rather than accept the measure, they would continue to "wallow in the mire of the Asiatic immersion".[77] Mr. Symons called it "a monstrous Bill ... a disgrace to the Colony".

The Premier, defending the measure, said the Immigration Restriction Bill was intended to apply not only to Asiatics but to every class of undesirable immigrants—'Asiatics primarily, and others to a secondary degree'. As for the objection that the real intention of the Bill was masked by the general character of the Bill, *he explained that the Bill had been made general in deference to the wishes of the Secretary of State for the Colonies,* who had requested the Colony to put the Bill into a form which would "not affront a large class of Her Majesty's subjects".[78] If that were done, they had been told, "the Home Government would do what they could to meet the Government of Natal, but would not give assent to a Bill that was unnecessarily harsh and severe, when the objects of the Bill could be attained by a different course of Action".[79] Natal being a part of the Empire, the Government of Natal had to meet, "as far as they could, the opinion of Her Majesty's Government, and of the Indian authorities as well".[80] Then there were people who wanted an 'honest straightforward' course. "But," answered Mr. Escombe,

> when a ship was heading against a wind, she had to tack, and bye and bye she accomplished her goal. When a man met difficulties, he fought against them, and, if he could not knock them over, he went round them instead of breaking his head against a brick wall.[81]

He promised next session, if the Bill was found to be inadequate, to meet the requirements of the case, to 'go the whole length' in making a Bill sufficient for all objects they sought to attain, namely, "to keep the Colony a British Colony, ... and stem the wave of Asiatic immigration which was slowly stealing over the land".[82]

After three 'unusually brilliant sittings', the second reading of the Immigration Restriction Bill was adopted without a division.

In Committee of the Assembly on April 8, 1897, Mr. Baynes said that the Bill would 'sully the Statute Book'. Mr. Bale interpolated that the 'real object' of the Bill was 'hidden'. Thereupon the Prime Minister asked, from whom the principle was a secret.

> It was not a secret from the Indians, it was not a secret from the Colonial Secretary at Home, it was not a secret from the Colony, nor was it a secret from the Indian Government. It was a Bill intended to deal with the Asiatic invasion, but had been made a general Bill, so that it might not be delayed for the Royal signature as a class Bill.

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After amendments by Mr. Maydon and Mr. Tatham were moved and disposed of, the Bill passed through Committee.[83]

On the second reading of the Bill in the Legislative Council the Premier further disclosed that 'Bills of which this was one' had been referred Home to Her Majesty's Government for information and a telegram had been received in reply stating that the Governor was authorised to give assent thereto when passed. Amid applause he added that, if at the Prime Ministers' meeting that was to be held in England in June a better Bill could be framed, the Bill under consideration would be replaced by a Bill agreed upon by all the Colonies of the Empire. "This Government was not vain enough to think it could produce the best measure but this was the best measure they could pass at the time."

The Dealers' Licensing Bill was the worst of all. As the Prime Minister outspokenly explained on its second reading in the Natal Assembly, its main object was to affect those persons dealt with under the Immigration Bill. "Ships would not bring these people if they knew they could not be landed and the people would not come here to trade if they knew they could not get licences."[84] To eliminate Indian traders from Natal all that was necessary was to refuse to renew their licences and/or to issue any licences to them.

So drastic were some of the provisions of this Bill that even some European members of the Assembly looked askance at it. Mr. Tatham said that the only effect of a Bill of that sort would be to "establish a monopoly in favour of existing traders" and enhance the profits of the trader at the expense of the consumers. "The Bill included all sections of the community ... contained provisions of an alarming character; licences would be issued by one individual, and licences already in existence were liable to be taken away by that individual." Where was the guarantee that the vast, absolute power conferred under the Act would not be abused? One Town Council might consist of a majority of persons who placed their own interests before the interests of the community, and might refuse licences to trade in that borough. The Premier had said that these people were subject to the control of the popular vote, but how was the popular vote to be brought into operation when it was a case of one individual against the whole body, Mr. Tatham asked. The most objectionable feature of the Bill was the denial of the right of the aggrieved party to appeal to the highest tribunal for justice.

Even the Premier found it difficult to justify a measure which was subversive of one of the fundamental features of the British Constitution and gave the impression that he was not eager that it should pass.[85] His only defence was that, the intention of the Bill being "to prevent persons who

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competed with Europeans from getting licences to trade as Europeans were required to do", it would not be possible to pass that Bill without 'appearing' to take away a part of the liberty of the subject, because the subject now had a right to licence as a matter of course, and if the amending Bill were passed into law ... the subject would no longer have the right". He would only have that right if the licensing authority thought fit to grant it.

> This Bill interferes with the course of law, because the Bill would be defeated in its objects if the Courts had jurisdiction. ... there would be no appeal from their (Town Councils') decisions, as regards the granting of licences, to a Court of Law ... If they should be granted, then they would not pass this Bill.[86]

The *Natal Advertiser* characterised the denial of appeal to the courts of justice as a 'crude and unstatesmanlike expedient'. It was a matter of regret

> that so many members, who boldly protested against the violation of British traditions embodied in the Immigration Bill, should have 'swallowed without a grimace', the much more serious infringement of the liberty of the subject involved in the Licenses Bill.[87]

The Premier's argument was that 'there would be no discretion' if the discretion was to be in the Supreme Court or any other court; they could not give discretion to a licensing authority and allow the discretion to be exercised by somebody else. This argument was in the opinion of the *Natal Advertiser*

> unworthy of himself and his audience. Licensing authorities under the existing law have discretion, but that does not exclude the ultimate jurisdiction of the Supreme Court. Moreover the argument is destroyed by the provision in the Bill itself which allows appeal to the Colonial Secretary. So that it actually does give discretion to a licensing authority, and then allow the discretion to be exercised by somebody else.[88]

The uncertainty in regard to the renewal of the licence made the position of every Indian trader in the Colony precarious. How could an Indian trader enter into any long-term business commitment if he was not sure what his fate was going to be at the end of the year—whether his licences for the next year would be renewed or not? Again, what was a merchant with thousands of pounds worth of goods in stock to do if he were called upon all of a sudden to shut up his business by the Licensing Officer? There was no provision in the Bill for giving sufficient time to such a businessman even to clear his stock. Even in the Free State they gave the traders a reasonable time, before compelling them to close their business. Shocked by the enormity of the injustice, Mr. Smythe, a member of the Assembly, moved that a year's time should be given to persons in possession of licen-

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ces. His motion was lost.

9

Two more Bills affecting the Indians were introduced in the same session of the Natal Parliament. One of them was a Bill for the protection of uncovenanted Indians from liability to arrest. There had been frequent instances of free Indians being arrested by the police under the Indentured Indians Immigration Law on suspicion as deserters from the estates (see *The Early Phase*, pp. 451-55). The matter being taken up with the authorities, the Government had issued a Proclamation authorising the Protector of Immigrants to issue certificates to free Indians so that they might not be taken for indentured labourers. This was a temporary measure. 'The uncovenanted Indians' Protection Bill' was intended to replace it. But it carried a clause under which the police, arresting a free Indian without a pass, would be immune from liability for wrongful restraint. Taking out of passes was not compulsory and only the poorer section of the Indians took advantage of it. Nor did mere possession of a pass suffice to protect the pass-holder; he must carry it on his person whenever he went out. This was not always possible. Previously, too, trouble had arisen mostly from overzealous officers. The new Bill gave them almost a license to arrest with impunity any Indian they chose. This converted what was intended as a measure of relief into an engine of oppression. No more damages for a Mrs. Vinden hereafter for 'injury and insult', after a wrongful arrest (see *The Early Phase*, p. 457).

The other Bill, the Servants' Bill, aimed at extending the scope of the indenture system so as to include in it recruitment for domestic servants as well. Under the Indian Emigration Act only bonded labour for work on the plantations, Railway and Corporations could be recruited. Domestic servants, dhobies, cooks and waiters came under the category of free Indians. Hitherto their entry into Natal was not barred. But the Natal Immigration Restriction Act declared them as 'Prohibited Immigrants', unless they could satisfy the education and other tests. This category of labour consequently fell into short supply. 'Natives' were difficult to obtain, demanded almost prohibitive wages, came and went when the spirit moved them, and were clumsy and unsuited for the work. 'Jim' or 'Charley', in the first instance, would not engage himself for more than one month at a time and, even when he undertook to stay on for a month, "some fine morning he departed with all his belongings, leaving the housewife to plod along as best as she could". The Europeans, therefore, wanted the Immigration law to be modified so that indentured labour for Natal could be recruited in India for domestic purposes as well. The *Natal Mercury* supported their demand.[89] "The

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necessities of the household have as much claim to be considered in a matter of the kind as those of the planter and farmer." Accordingly in May 1897 'The Servants Bill' was introduced in the Natal Legislature for the recruitment and introduction of domestic servants under indenture system. This would at the same time ensure their return to India at the end of their term of indenture so that the householder like the planter would always have an unceasing supply of 'new lamps for old'. There were 12 ayes and 12 noes, and the Bill was carried by the Speaker's casting vote.[90]

The Government of India, however, declined to accept the Natal Government's proposal. In consequence the Servants Bill remained a dead letter. In 1903 a delegation from the Natal Government came to India with the request, among other things, that the Government of India should place an interpretation on the Servants Act that would put no obstacles in the way of Natal. But Lord Curzon, who had in the meantine succeeded Lord Elgin as the Viceroy, proved no more obliging than his predecessor. His Government suggested an amendment of the existing Natal law rather than altering the Indian Emmigration Act.[91] Since neither side was prepared to yield, the Natal whites had to forgo the luxury of 'semi servile' labour in their homes.

10

These anti-Indian measures were almost unanimously—though for varying reasons—condemned by the South African Press. Referring to the Immigration Restriction Act, the *Natal Advertiser* wrote: "We question whether any Act so drastic in its tendency, and so wide in its scope, has been adopted by any British Colony, and it is no honour to a Colony, which professes such devotion to progress and freedom as ours, to be the first to inscribe such a measure on its statute book".[92] Having regard to its purpose, it was "dishonest and hypocritical in principle".[93] Would it not be a reasonable position for the Government of India to take up, the planters' journal asked, "If you won't have the one class, you shan't have the other", and added, "It is just the sort of answer we should give if the cases were reversed".[94] Characterising it as the 'most objectionable law' that the session of 1897 had given birth to, "which in some respects is even worse than the enactment passed by the Transvaal Volksraad last year with a similar object", it finally observed: "If the law is good for Natal, it can scarcely be bad for the Transvaal."[95]

The *Star* of Johannesburg dubbed the Natal Immigration Law "one of the most contemptible of tricks to which a Government and Legislature could be party".[96] The indirect way of securing class legislation adopted by the Natal Government was 'pernicious in the extreme'. It was, further "an Act of cowardice on the part of any Parliament to shirk the consequences that may ensue from the candid adoption of a class measure by

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resorting to the pretence that a law is not meant to be a class one at all".[97] Chamberlain could scarcely with any sense of fairness and justice, it concluded, countenance the Natal Immigration law after the attitude he had taken up towards a "much less offensive enactment passed in this State (the Transvaal) which is very much less within his 'sphere of influence' than Natal".[98]

Even the Ministerial organ had to bow before the storm of criticism:

> It has to be admitted that it is somewhat of an anomaly that, at the very time that the Transvaal Volksraad is repealing an Act which the Secretary of State has objected to as imposing conditions of a burdensome nature, which the poorer though perfectly respectable immigrants may be unable to satisfy, the Governor of Natal should be giving his assent to a measure containing conditions more difficult for the same class of immigrants to comply with. It may also be frankly admitted that the Act is one we do not like.[99]

The Dealers' Licenses Bill came in for even severer condemnation. Mr. Symons described it as "most un-English and oppressive".[100] The *Natal Advertiser* hoped that no law would "ever be pased in this Colony on any pretext whatever", which embodied "the unconstitutional, arbitrary and illegal principle" of debarring any citizen from access to the courts of law. "No advantage that the Bill offers would compensate for this violation of all our traditions ... and it is no credit to the Government, that they should have drafted a measure on lines suggestive rather of the Transvaal Executive than of a Constitutional Cabinet."[101]

All this, however, proved to be much ado about nothing. After they had received the Governor's assent the Quarantine Amendment and the Immigration Restriction Acts were gazetted on May 5, 1897, the Dealers' Licensing and the Uncovenanted Indians Protection Act in June 1897.

11

On July 2, 1897 the Indians, as a last resort, presented a petition to the Secretary of State for the Colonies. Reiterating their suggestion for an enquiry of the nature indicated in their petition to the Natal Assembly to be instituted, they submitted that, if Her Majesty's Government should after all decide that in spite of the Proclamation of 1858, a British Colony could legislate to the prejudice of British Indians, and come to the conclusion that the Proclamation did not confer any such privileges "as are contended for herein", and if they were satisfied that the presence of the Indians was an evil to the Colony, it would be "far more satisfactory" that a Bill "specially applicable to the Indians should be introduced".[102] The Bill in question, they prayed, should be disallowed, by virtue of the power reserved to the Crown under the Constitution Act. If this was not deemed feasible,

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the indentured immigration to Natal should be stopped.[103]

In an S.O.S. to the public men in India and England Gandhiji wrote: "Unless there is a powerful public opinion against the disabilities that are being heaped upon the Indians in Natal our days are numbered."[104]

Vain, however, was their expectation of relief from the Secretary of State for the Colonies. If they but knew, the man to whom their prayer was addressed was the very man who had sired the wrong they were appealing against. He it was who, after disallowing the Franchise Amendment Bill (Law 8 of 1895), had suggested to the Natal Government the formula by which Indians had been deprived of their franchise without being mentioned by name. His had been the master-mind behind the present legislation also. Even before the ship bringing back Sir John Robinson from home-leave had entered the Durban harbour he, in collusion with the Natal Government, had laid the guide-rails for the politics of racialism that were to condemn Her Majesty's Indian subjects in Natal to a status of perpetual inferiority, while maintaining the fiction of equal rights and privileges of Imperial citizenship for all members of the British Empire. At the Colonial Premiers' Conference, held in July 1897 in London, he went a step further. He commended Natal's example as one that could be copied by other colonies. Referring to legislation proposed or passed by some of the colonies in regard to immigration of aliens, he remarked that he had seen those Bills but there was no one of them "except the Bill that comes to us from Natal", to which they could look with satisfaction. The Colony of Natal had arrived at an arrangement which "they believe will give them all that they want, and to which the objection they (immigrants) have taken does not apply". He hoped that it would be possible for them to arrange *'a form of words'* which would "avoid hurting the feelings of any of Her Majesty's subjects" while at the same time protecting the colonies concerned against "any invasion of the class to which they would justly object".[105]

Chamberlain's pronouncement took by surprise everybody in Natal—Indians and Europeans alike. Europeans were the bitterest opponents of the free immigration of Indians. But even they admitted that the method commended by Chamberlain for restricting it was 'dishonest' and 'unfair'.[106]

"The Right Hon'ble gentleman has completely given up the Indian cause", wrote Gandhiji in deep anguish in a letter addressed to influential persons and organisations in England in a final effort against the discriminatory laws.

> We do not know now where we are and what we are to do ... Mr. Chamberlain has practically granted that an Indian as soon as he leaves India, ceases to be a British subject ... *It is practically a notice to the free Indians to quit the Colony*, for that will be the effect of the Dealers' Licenses Act. ... the Colonists know that they would get al-

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> most anything from Mr. Chamberlain ... if what is required to be done is done by indirect, and shall we say, unfair methods. It breaks our hearts to think that Her Majesty's Principal Secretary of State for the Colonies should approve of any unfair method, but that is the unanimous opinion of the Europeans and the Indians.[107]

Their fear was but too well founded. The man who had secretly engineered a military coup against a friendly neighbouring State and disowned responsibility for it in public had no qualms about outwardly sympathising with Her Majesty's Indian subjects in South Africa, while covertly devising and recommending measures for their degradation; waxing indignant over their wrongs under the Boer Republic and letting them be subjected to worse indignities in the most British of British Colonies. The Indians were to have a taste of that unsavoury side of his character more and more in the days to come. But for the time being this was hidden from them; they continued to live and strive in hope.

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CHAPTER VI

A GENTLEMAN'S AGREEMENT

1

THE LATTER half of the nineteenth century has aptly been described as the Golden Age of Imperialism in which a scramble for overseas possessions went hand in hand with popular sentiment and even a tinge of idealism. Behind this paradox were two principal factors—one economic, the other idealistic. The former appealed to men's self-interest, the latter made them feel virtuous in its pursuit.

Historians have averred that it took nearly a century for the benefits of the Industrial Revolution in England, at once the child and foster-parent of Imperialism, to reach down to its early victims—the English working class. It was the fabulous flow of wealth from England's possessions in the East, particularly India, that had triggered the Industrial Revolution, and it was the demands of the Industrial Revolution that in turn became the motive force behind the British Imperial expansion (see *The Early Phase*, p. 36). The relationship between Imperialism and the growing working-class prosperity gave rise to the phenomenon of the Conservative working man. It was Disraeli who made this discovery. He also discovered the electoral value of the Imperial sentiment.

England did not have long to wait for the missionaries and idealists of the Empire to appear. Rhodes saw in Imperialism an instrument of peace with progress, which would usher in an era of enlightenment and universal brotherhood (comprising only the white races, of course). The Poet Laureate of the Victorian era 'dipt into the future, far as human eye could see', and saw the vision of a world in which, as a result of the spread of European culture in the wake of imperialist expansion, armaments were outlawed, 'the common sense of most' was enthroned, 'argosies of magic sails' filled the heavens with commerce, 'the war drum throbb'd no longer', 'the battle-flags were furled', and the kindly earth slumbered 'lapt in universal law' under the sovereignty of 'the Parliament of man, the Federation of the world'. Some of the foremost and finest Englishmen dedicated themselves to the propagation of the Empire ideal. Some declared themselves its 'missionaries', others adopted it as 'their religious faith' (see Chapter X, Section 2). The Christian evangelist hailed it as the means for the conversion of the 'heathen' and winning of the world to the glory of the Only Begotten (see *The Early Phase*, p. 353).

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Gandhiji had come in close touch with the idealistic side of Imperialism in South Africa at its best. In the Christian missionary he and the Indian community had found a friend in need when they were friendless. Sir William Hunter, the liberal Imperialist though a Conservative, had not hesitated to pit himself against his own compatriots to champion the Indian cause. The British Indian subjects in South Africa had been the victims of gross injustice. It was open to them to demand their due rights and declare a rebellion against the Imperial rule, if redress was denied them. This course would have been justified if they had lost faith completely in British sense of fair-play and the Empire ideal. Till then it was for them to prove their fitness for the rights they claimed by conscientious performance of the duties which membership of the Imperial family laid upon them.

"I learnt from my illiterate mother," Gandhiji once wrote in a letter to Julian Huxley, "that all rights to be deserved and preserved come from duty well done ... Every other right can be shown to be a usurpation and hardly worth fighting for."[1] He had not yet built it into a philosophy of life but his practice had always preceded his theory; the latter had grown out of the former, never the other way about.

For reasons rooted in history he, with most Indian nationalists of his time, had believed in the beneficent character of the British rule (see *The Early Phase,* pp. 155-56). His faith had remained unshaken in spite of all that he and the Indians in South Africa had been through. It was in virtue of the Queen's Proclamation of 1858 that the Indians claimed equal rights for themselves as British subjects. To secure the recognition of their claim, therefore, Gandhiji felt, they must show that they were behind none in their devotion to the throne. The Diamond Jubilee of the Queen, which fell on June 22, 1897, was hailed as a unique event throughout the British Empire and evoked unparalleled enthusiasm and demonstrations of loyalty in all British dominions. Gandhiji shared that sentiment. He felt it presented an opportunity which they dared not miss.

And with him to believe was to act. At his instance, the Indians of Natal and the Transvaal had decided to send to the Queen an address "in token of our joy at the approaching completion of the 60th year of your glorious beneficent reign". He carefully drafted the address, attended to its every detail and sent it to the Honorary Secretary of the Natal Indian Congress to be appropriately printed or engraved. By the first week of June it was ready. An exquisite piece of art, which it had taken a couple of craftsmen in the service of a well-known Durban European firm a fortnight to finish, for days it had been the principal object of attention to all passers-by in the show-window of R. Wilcock in West Street. Tastefully framed in Natal yellow wood, it was inscribed on a silver heart, eight inches in height, having a gold ribband edge with rosettes. Above the shield was the date

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1837 and below it 1897. Underneath a broad silver ribband were words in raised letters 'From Indians in Natal'. Surmounting the shield was a crown in frosted polished silver on ruby plush, the whole work resting on blue plush. The silver work was pronounced 'most handsome', and presented 'a chaste appearance'. Beneath the address were signatures of twenty-one Indians, beginning with Dada Abdullah and ending with M. K. Gandhi.

On June 3, a deputation of Indians especially waited on the Governor to deliver it to him for despatch. Her Majesty's thanks for 'loyal congratulations and good wishes' were conveyed to Tyob Hajee Khan Mohammed and other members of the Indian community in due course by Connyngham Greene, the British Agent at Pretoria.[2]

But it was to be no smooth sailing for the Indians even on the grand occasion of the Queen's Jubilee. The official programme of the celebrations included providing entertainment to the children. The Indians of Natal were like the white colonists loyal subjects of the Queen and many of their children were Natal-born. But nobody had suggested that the Indian and African children of the city should be entertained along with the European children. In the festivities of Cape Town in Cape Colony, the Committee there had provided for the Malay children to join in the school's procession and to participate in the subsequent fete. Distressed by the contrast; the Maritzburg correspondent of the Ministerial organ pleaded that the Indian children of Natal should also be allowed to share in 'the joy of celebration' of the record reign of the Queen, 'who also bears the proud title of Empress of India'.

The *Natal Mercury* supported its correspondent.[3] But in the official programme published on June 20 of the trades' procession and other jubilee celebrations, there was no mention of any part to be taken by the natives and Indians. Thereupon the *Natal Mercury* again reminded the Town Council that it was "no time for racial feeling or caste distinctions". The town must not lay itself open to the charge of "selfishly providing entertainments of all kinds for the Europeans, and giving them every opportunity to give expression to their loyalty while the natives and Indians are left out in the cold".[4] The appeal fell upon deaf ears. Excluded from participation in the official programme, the Indians celebrated the occasion with illuminations at night. Dada Abdullah's building was prettily embellished. The most striking feature was the legend 'Long Live Kaiser-i-Hind', and surmounting it a portrait of Her Majesty in regal robes.

K. Mooroogasa Pillai of Victoria Street, in his zeal to outbid all in the expression of loyalty, not only decorated his residence and illuminated his shop and had a fireworks display in commemoration of the grand event, but kept open house. Africans, who danced in front of his house to the accompaniment of the concertina, were regaled with oranges, and

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small silver to the value of £ 10 was given away in 'meat money'. Europeans were welcomed with big dishes of fruit, sweetmeat and aerated waters. Employees of the N.G.R., numbering about 900, were invited to assemble at the Victoria Cafe, in order to drink health and long life to the Queen.[5] K. M. Pillai was wealthy, he owned considerable property, and was a Colonist of many years' standing. To ingratiate himself with the whites he had deliberately kept himself aloof from his own compatriots and the activities of the Natal Indian Congress, but he forgot that in European eyes he was only a 'coolie'. His invitation to the railwaymen was coldly turned down as 'insulting'. Wrote one, J. W. Gray, in the columns of the *Natal Mercury:* "We are not a lot of sponges and a free drink is not our Mecca. Mr. Pillai will do well if in future he remembers the Hindu fable of the monkey who fancied he could use the carpenter's axe—result the amputation of his tail."[6]

The highlight of the celebrations, so far as the Indians were concerned, was the opening of the Diamond Jubilee Indian Library in Grey Street on the evening of June 26, 1897. An amount of £ 30 was raised by public subscription. Supplemented by a donation of an equivalent amount by the Natal Indian Congress, it provided the starting fund. About 200 English books, embracing every branch of English literature, were received as gifts. The library also subscribed to all the principal Indian and South African newspapers, thus supplying a crying need of the Indian community that was utterly starved of facilities for education and enlightenment.

An insignificant trifle in the history of a community, the reader may think. But nothing that concerned the life of his fellows was too trifling or insignificant to the would-be Mahatma. On the contrary, he maintained that it was just this kind of down-to-earth concentration on the trivia of everyday existence and patient laying of brick upon brick that made possible the final Satyagraha struggle in South Africa by a people that had practically to be raised from the dust.

The opening ceremony was performed by J. P. Waller, Resident Magistrate. The hall of the Natal Indian Congress was brilliantly lit for the occasion. Among those present, besides the Mayor, were Mr. Laughton, Mr. Osborn, the Librarian of the Durban Library, Dr. Booth and a few other Europeans. Messages of sympathy were received from the Hon. Mr. Jameson, Member of the Natal Assembly, and the Deputy Mayor, Mr. Collins. Mr. Payne, in the course of his speech, declaring the Library open, remarked amid cheers that he had heard a lot about race distinction, but as Mayor of Durban he knew none. To the surprise of his Indian audience, however, he went on to say that the members of the Town Council were 'perfectly willing' and had hoped that the Indians would participate in the day's procession. He was disappointed that they had taken no part in it,

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he said.

Gandhiji joined issue with the Mayor. In the columns of the *Natal Mercury* he wrote next day: "No matter who is to blame for the omission, the Indian community is not."[7]

The story was repeated in the following year. The Durban Corporation had organised a function in connection with the unveiling of the statue of Queen Victoria on the occasion of her 80th birthday. A procession of the Sunday School children was included in the programme. But the Indian and Israeli children were reported to have been excluded. On an inquiry whether the Indian children could join the procession or not, the reply was received from the Secretary of the Town Council Committee that His Worship the Mayor thought it "better to include only the European children in the arrangements".[8] At the unveiling, one of the Indians, who stood listening to the Governor's speech, was ordered by a native constable to 'clear off the footpath'.[9] On his objecting he was rudely pushed off the footpath and received injuries on the leg. But Gandhiji was quite clear in his mind that the Indians could not allow themselves to be deterred by any rebuffs in the performance of what was their duty. One may renounce rights; duties never.

2

At the general election in the last week of September, 1897 the Forward Party, headed by Harry Escombe, again won a majority. Messrs Harry Sparks, Wylie and Evans of the Demonstration Committee were among the successful candidates. The Indians took scarcely any interest in the contest. F. A. Laughton had at one stage contemplated contesting a seat from a Durban constituency, but he decided against it at the last hour, in view of the expense. Gandhiji, for the third time running, did not care to get himself enrolled on the voters' register, although he was qualified for it. The election was fought over no particular issue but several members of Harry Escombe's own party had individually been opposed to his railway extension scheme which had figured in the election manifesto and to which he was committed. This made his position in Parliament shaky.

The Immigration Restriction Act and the Quarantine Act had been put into immediate effect after they were gazetted. But the Dealers' Licensing Act had for some mysterious reason been kept in abeyance, much to the annoyance of the European Colonists. It was only on September 21, 1897, just before the election, that rules under it were framed and the Act promulgated. The Indian merchants consequently felt very nervous.

On September 24, Gandhiji received a note from Mr. Laughton, asking him to be present at a meeting that Mr. Escombe would be having with a

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deputation of Indians at his residence at 8 o' clock at night. He was to solicit the Prime Minister's interest for them 'which would be all-powerful with the Mayor'.[10]

"Be careful that all is not spoiled by your being seen," Mr. Laughton significantly added. At the meeting an accord was reached between the Indians and Mr. Escombe, who assured them of his full protection for their existing vested rights. They on their part offered unreservedly to co-operate in the working of the Immigration Restriction and other Acts recently passed so long as they remained on the Statute Book. The details of the meeting must for ever remain a mystery but there can be no doubt as to its crucial importance and the vital role that Gandhiji played in it.

Mr. F. A. Laughton to Gandhiji *Durban, 27th September, 1897*

You did your work well on Saturday and never was a better move made as I feel sure results will show ... Something ought to be done and we ought to strike before the iron is cold.[11]

Even more significant is a letter marked 'Private' written by the Prime Minister from Pietermaritzburg on the following day.[12]

Prime Minister's Office, Natal,
Pietermaritzburg,
28 September, 1897

Dear Mr. Gandhi,

I beg you will convey to the Indians the value I set on their good opinion.

I will endeavour to deserve it by fairness and consideration for their wishes and feelings.

I thank you for bringing me into closer touch with them, you have enabled me to understand one another and this in itself is a great gain. It is quite likely I may be out of office before this week is out as I have no idea of carrying on the Government on the sufferance of men who will not support my policy.

The step if taken will not weaken me and it will let you understand the real importance of the verdict of Saturday in my favour.

With kind regards,

I am faithfully,
HARRY ESCOMBE

The 'verdict of Saturday' was the declaration of their faith in him by the deputation of Indian traders that met him on Saturday night for which he had expressed his appreciation in his letter to Gandhiji. He was determined that they should not have to regret their decision whether he was in office or out of office.

On October 3, 1897, within a week of his victory at the polls Escombe resigned, without waiting for a vote of no-confidence when Parliament met. Henry Bale declining to form a Ministry, Henry Binns undertook the duty. Many who disagreed with him politically joined hands in extending their support, as they thought that frequent changes in the Ministry would be detri-

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mental to the Colony. This left Harry Escombe, though out of office, still powerful. He proved as good as his word. When a crisis developed some time afterwards that threatened the very existence of the Indian business community in Natal, he stood firm as a rock by the undertaking he had given them. Unknown to them, a row had broken out behind the scenes between the India Office and the Secretary of State for the Colonies.

3

Incredible as it may seem, neither the Secretary of State for India nor the India Government had been informed, much less consulted, in regard to these anti-Indian measures either by the Natal Government or by the Colonial Office. The India Government came to know of them only from a casual report in the newspaper *Bombay Gazette* of June 8, 1897. On June 10, the Under Secretary to the Government of India enquired from the Bombay Government whether they had any information about "an Act recently passed by Natal Legislature with the object of placing restrictions on immigration into the Colony". They had none. The text of the Act in question, it appears, had been furnished by correspondents to *'The Times of India* and *the Bombay Gazette* newspapers', but it had not been preserved. With the help of information provided by the Commissioner of Customs a copy of the Indian Petition to Chamberlain of July 20, 1897, was obtained from Bombay Sassoon Mechanics Institute and sent to the Government of India on October 10, 1897. The text of the Indian Immigration Act appeared in it in Appendix 'B'.

In the meantime the three Bills introduced in Natal Legislature had been received at the India Office on April 15, 1897. From the accompanying papers it was learnt that the Colonial Secretary, while regretting "that provisions of such an exceptional character ... should be considered necessary", had on April 3, authorised the Governor of Natal to assent to these Bills if passed.[13]

On July 22, the India Office forwarded for the information of the Government of India copies of the Bill for the Protection of Uncovenanted Indians and of the Indian Immigration Amendment Bill (Act 17 of 1895), with the report by Mr. Mason, Protector of Immigrants, Natal, for the year ending December 31, 1896. In that report Mr. Mason had among other things stated that owing to the increasing activity in sugar cultivation and agriculure generally on the coast as well as in the upcountry districts, the extension of railways, and improvement in all branches of business, the demand for indentured Indians during the year had been 'exceptionally great'. Despite 16 suicides, which worked up to the appalling figure of 1080 per million, the report maintained that the indentured Indians were looked after

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well, and the Secretary of State for India found nothing wrong in the treatment of indentured Indians in Natal. He even demurred to their state being described in the language of Sir William Hunter, as "one of 'perpetual indenture' which, comes 'perilously near to slavery'".[14]

The Secretary of State for India replied to Chamberlain on July 21, 1897. He had nothing to say about the Quarantine Bill, since declaring Bombay or any other port to be an infected place would be revoked "as soon as it could be shown that all danger of infection had ceased", but he entered a strong protest against (1) the Immigration Restriction Bill being made retrospective in its effect, and (2) against the word 'domicile' in clause 6 of that Act. He had not anticipated, he complained, that "the Colonial Office would assent, without again consulting the India Office, to the passing of Bills which do affect the status and interest of particular races".[15] He had no doubt that both the Immigration Act and the Bill to amend the law relating to the licences, were 'primarily and almost exclusively' aimed at British Indians. Upwards of 30,000 free Indians, who had settled in Natal, had either proceeded thither at their own cost in the exercise of their natural rights as British subjects and in the full assurance that they could have that protection from Her Majesty's Government to which their status entitled them, or they were recruited at the instance of the Natal Government and under the official control of the Indian Government upon certain conditions, which left them perfectly free to settle in Natal on their own account after they had served an indenture for five years. His Lordship was not prepared to countenance any legislation which would adversely affect their status or diminish their political rights.

He, therefore, took a very grave view of the disabilities and penalties prescribed under the Immigration Restriction Act of 1897, from which no Indian could claim exemption unless he had acquired "a legal domicile in Natal and abandoned all intention of returning to his native country". The history of the anti-Indian movement in the Transvaal showed how 'dangerous' it was "to rely on the forbearance of an executive upon whom pressure by agitation can be brought to bear". As Secretary of State for India he, therefore, deemed it his duty to press upon Chamberlain his opinion that, if there was any reason for apprehending that the Act was capable of being applied retrospectively so as to bring Her Majesty's subjects already settled in Natal under its operation,

> the Act ought to be immediately amended, so as to make it clear that none of its provisions affect persons already in Natal. Even the corresponding legislation in Australia excludes from its operation persons already established in the country.[16]

In regard to the Bill relating to licences, he insisted that it should be made clear that the trader himself need not be able to keep such books and

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that the law would be satisfied, if he provided a proper agency. He protested against the Town Council being made the final authority in the matter of granting or withholding licences, or renewing those already held by the Indians, without any right of appeal to any court of justice. While conceding the right of a self-governing colony to regulate the entry and residence of fresh arrivals, he urged that such Indians as had already been allowed to settle in Natal, or might be thereafter under the new law, should be guaranteed complete equality before the law, and not in any respect be placed at a disadvantage as compared with the other inhabitants of the Colony.[17] He ended up with a threat:

> It is unnecessary for His Lordship to remind the Secretary of State for the Colonies that *the Government of India have the power to stop at any moment the supply of indentured labour to any specified Colony*, but it may be well to state that *this power of prohibition will undoubtedly be exercised in the future, as it has been in the past, whenever the Government of India have reason to believe that Indian immigrants are unfairly or oppressively dealt with.*[18]

On receipt of this letter Chamberlain, on July 28, 1897, sent a note to Mr. Escombe, who was then in London in connection with the Colonial Premiers' Conference, to ask whether in his view (a) the Immigration Restriction Act would affect persons already settled in the Colony, and (b) under the Dealers' Licensing Act it would be enough if a trader employed a clerk or agent capable of keeping his accounts in English.

Mr. Escombe replied on the following day:

> According to my reading of the ... Acts Nos. 1 and 18 of 1897 ... answer to the first question is in the negative, and the answer to the second question is... affirmative.[19]

In communicating Mr. Escombe's reply to Lord George Hamilton, Chamberlain in his letter, dated October 2, 1897, while reiterating his legalistic quibble that the Natal legislation did not affect British Indians "in respect of their race or colour", although "the effects of the language test as applied to Indian immigrants would doubtless be to exclude many of them", argued that since some form of legislative restriction was 'inevitable' in Natal, it was best that this should take the form of a general law. This would prevent legislation in Natal itself "of a more obnoxious kind and establish a precedent that could be used in suggesting modifications of the Australian and New Zealand Bills dealing with the same object". He enclosed with his despatch, for the Secretary of State's concurrence, a draft of a reply to the Indian Memorials of March 15, and July 2, 1897, that he had prepared for the Governor of Natal. The following were the salient points of Chamberlain's draft reply:

(1) While Her Majesty's Government desired to uphold the rights of

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British Indian subjects, they could not disregard the wish of the British Colonists to prevent such an influx of Asiatics as might result in their becoming the predominant factor in the community.

(2) The Immigration Restriction Act did not affect British Indians as such, "although it originated from the strong feeling which prevailed in Natal against an apprehended extensive immigration from India".[20] The disqualification would no doubt affect a large number of British Indians but, 'in the circumstances of Natal', the Secretary for the Colonies did not consider it 'reasonable' to feel justified in advising Her Majesty to exercise her powers of disallowance with regard to the Act.

(3) In regard to the Quarantine Act, the Secretary of State for Colonies regretted the enactment of a measure "so little in accordance with the principles now generally adopted in legislation on the subject", but he could not advise the disallowance of the Act in question "in as much as it does not apply exclusively to ships or persons coming from Indian ports".[21]

(4) The provision in the Dealers' Licensing Act, requiring a tradesman's books to be kept in the English language, did not appear to the Secretary of State for the Colonies to be 'unjust' to British Indians, "if, as I understand will be the case, the condition is satisfied by the books being kept by a clerk or agent".[22] Nor did the Colonial Secretary feel that he could 'properly advise' interference with the decision of the Colonial Legislature on the provision making final the decision of the Town Council, Town Board, or Licensing Boards as to the issue or refusal of a licence.

(5) The Secretary of State was trying to get the Act to Protect Uncovenanted Indians amended, "so as to limit it to cases of arrest on reasonable suspicion of being an absconding indentured immigrant".[23]

This mollified somewhat Lord George Hamilton. On November 2, 1897, he intimated to the Colonial Office that he had no further remarks to offer, so far as Chamberlain's draft reply to the Quarantine Act and the Act to protect uncovenanted Indians from arrest were concerned. He still presumed that the proclamation declaring ports to be infected by plague would be revoked as soon as all danger of infection had been removed.

He did not propose to continue discussion on the Immigration Restriction Act either, in view of the legal opinion given by Mr. Escombe that it did not affect persons who immigrated before its enactment, on the assumption "that it is the interpretation which will be adopted and applied by the licensing and other authorities of the Colony". But he very strongly reiterated his objection to the word 'domicile' in clause 6, as it was liable to be construed in its strict legal sense with the result that an Indian, who had resided in Natal and even acquired property or established a business there, if he left the Colony to revisit his native country even for a temporary purpose, would "probably be held to come under the purview of the Act and be

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refused readmittance to the Colony", unless he could show that he had been legally domiciled there. To remove this injustice he asked that Chamberlain should get the word 'resident' substituted for 'domiciled' in section 6 of the Act.

As for the Dealers' Licensing Act, while recognising that the arrangement to get the accounts kept in English by employment of a clerk or agent would diminish the hardships of the well-to-do traders, he felt that it still left in the cold "the class on whose account he was particularly concerned". The Act, besides, did not contain any saving clause in favour of persons already resident in the Colony. He, therefore, urged that the Secretary of State should get it suitably amended.

> A law which requires a licence to be taken out for carrying on any wholesale or retail trade of whatever description and leaves it in the absolute discretion of one or two authorities to grant or refuse such licence as they think fit, unfettered by any rule or principle, is ... without precedent. Such a law would obviously be open under any circumstances to grave abuse, and the danger of its abuse is inevitably increased when it is liable to be used only against one section of the population, and when the final decision on any question existing under it is entrusted to a municipality or other local body.[24]

Indians already settled in the Colony, he further insisted, should be exempted from it, and in case of those to whom licences might be refused on sanitary grounds or for any other like reasons, the grounds on which it might be refused should be specified in a separate enactment.

4

In the meantime the Escombe Ministry having resigned, Chamberlain on November 12, 1897, wrote to the Governor of Natal to obtain confirmation by the new Government of Natal of his understanding that the interpretation of sections 9 and 10 of the Immigration Restriction Act, which would be adopted and applied by the licensing and other authorities of the Colony, would 'leave unaffected' the vested rights of those persons who had immigrated before its enactment, and to ask for substitution of the word 'resident' for 'domiciled' in section 6.

In reply, the Governor enclosed a report by Mr. Bale dated December 28, 1897, in which the new Attorney-General, rejecting outright the view expressed by Mr. Escombe, stated that he construed the word 'domiciled' strictly in its legal sense and not as an equivalent to 'resident'. His predecessor in his letter to the Secretary of State of 29th July, 1897, had "treated it in the sense of 'already settled in the Colony'". This expression in Mr. Bale's opinion was "not quite correctly interpreted at the India Office as meaning that the Act was 'not intended to affect persons who

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had immigrated before its enactment'."[25]

Indians who had left Natal with the intention of residing elsewhere, he held, were not entitled to return unless they had been domiciled there, "though in some cases it may be possible in all propriety to avoid the application of the Act in full strictness". Already passes had been given to enable Indians to visit the Colony for short periods, "though I doubt the legality of such passes". Similarly, Indians who had temporarily visited a neighbouring State, and who had still their residences in Natal, might fitly be allowed to return "even if not, strictly speaking, domiciled here". He doubted "whether Parliament would do as asked by Lord George Hamilton and alter the word 'domiciled' to 'resident'." The power to refuse licences was "absolute and ... not confined to new licences".

In a further communication on January 13, 1898, he apprised the Secretary of State for the Colonies of his view that the Licensing Act No. 18, 1897 *did have retrospective effect*. He was, therefore, not prepared to say, as the Secretary of State appeared to believe, that the Act recognised the existence of vested rights. On the contrary, it was "impossible to doubt" that the legislature did intend the Act to operate "against the continuance of *ill-constructed insanitary* shops that have become common".[26] Whether refusal of licences by the Licensing Officers to such Indian traders as conformed to all the sanitary requirements prescribed by the Town Councils was justifiable under the Act or whether it would constitute an abuse of the law, 'Bale the conscientious' did not say.

With respect to the Immigration Restriction Act, Mr. Bale continued, the word 'domiciled' had received from him the interpretation placed upon it by the English authorities, and he knew "of no other interpretation that could be given". Besides, the Secretary of State could not be 'unaware' that the word 'domiciled' appeared in the draft which had received the approval of Her Majesty's Government. It was for the Natal Ministers to decide whether to alter the Act as suggested. "But for the present I can only advise that the word must be received in its accepted legal meaning, and the Act applied accordingly."[27]

So things were again in a mess.

In the meantime vigorous agitation had been mounted both in India and in England against these measures. On December 15, 1897, Sir Lepel Griffin, Chairman of the East India Association, in a strongly worded memorial, wrote to Lord George Hamilton requesting him to mitigate or remove the disabilities or grievances of British Indians which he characterised as being "inconsistent with such rights as should be possessed by all loyal subjects of Her Majesty" besides being "opposed to equality and sound policy", and "discreditable to modern civilization".[28]

To make sure of Chamberlain's concurrence Lord George Hamilton thereupon wrote to him that he proposed to tell the East India Association

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that the arguments adduced by them had been "fully considered by Her Majesty's Government and pressed upon the Government of Natal" with the result that "some not unimportant concessions" had been secured.[29]

Even Chamberlain found this too much. In reply he sent Lord George Hamilton copies of his correspondence with the Governor of Natal and the legal opinion recorded by Mr. Bale,[30] with the remark that he was "doubtful whether it can be said that some not unimportant concessions have been secured. I am to point out that there has been no modification of the Quarantine Act." In the case of the Immigration Act no concession had practically been given. As regards the Dealers' Licensing Act, the only concession was that "the books of account referred to in section 7 of the Act as having to be kept in the English language need not necessarily be kept by the principal, and may be kept instead by an employee".[31] The Secretary of State for India could, however, point out to the memorialists that the legislation objected to was not "specially directed against Indians".

In another communication on the same day (February 15, 1898) he informed the Secretary of State for India that the Natal Government were not prepared to propose the substitution of the word 'resident' for 'domiciled' whilst in the Licensing Act, the power to refuse licences was absolute and was not confined to new licences.[32]

5

The fat was in the fire. On March 15, 1898 Lord George Hamilton wrote back that the position would be 'most unsatisfactory' if the Colonial Government could not be induced to modify the word 'domiciled' in section 6 of the Immigration Retriction Act and to exempt old immigrants settled in the country from the necessity of obtaining licences under the Licensing Act from the local authorities. Further, since the Attorney-General of Natal had not only not confirmed but had demurred at the interpretation placed by the India Office on Mr. Escombe's view that the disability attached to 'prohibited immigrants' under section 9 could not apply to everyone falling within the words of the definition "but only to persons falling within these words who were not in the Colony when the Act was passed, or who, if in the Colony at that time, might leave it and wish to re-enter its terrritory", the Secretary of State for the Colonies should ask for an assurance that this view was adopted by the Government in power and would be acted upon by the licensing and other authorities in Natal.

In conclusion he reiterated his desire that the Government of Natal should be again reminded that if a 'fair and equitable' treatment could not be secured for 'natives of India' resident in that Colony, the Government of India might be "reluctantly compelled in the interests of its subjects to suspend the supply of indentured labour to Natal".[33]

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Accordingly on March 19, 1898, Chamberlain directed the Governor of Natal to again ask for substitution of the word 'resident' for 'domiciled' in clause 6 of the Immigration Restriction Act. True, the word 'domiciled' did occur in the draft of the Bill to which he had authorised the Governor to assent in April last, he pleaded, but at that time the text of this Bill had not been fully considered by the India Office, "and I was anxious to meet the wishes of the Natal Government to bring the law into force without delay. Subsequently Mr. Escombe's statement in his letter of 29th of July was understood to concede the interpretation which the India Office desired to place upon the provisions in section 6 and I did not hesitate to say that Her Majesty's Government would be advised not to disallow the Act." But the ultimatum in regard to the stoppage of the supply of indentured labour to the Colony was suppressed by Chamberlain. Instead he expatiated on "the advantages which the Colonies derive from the facilities afforded by the Government for recruiting indentured coolie labour for the Colony".[34]

When a copy of this despatch was received in India the Government of India officials noticed the omission and promptly pointed it out to the Viceroy. Denzil Ibbetson minuted:

> He (Chamberlain) does not act upon Lord George Hamilton's suggestion that the Natal Government should again be reminded that the Government of India may be reluctantly compelled to stop the supply of indentured labour.[35]

And no wonder. Having initially put himself in the wrong by assenting to the Natal Government's draft Bills without consulting the India Office, he could only appeal to the Natal Government's 'enlightened self-interest', and to its sense of *noblesse oblige.*

Mr. Binns consequently found himself in a very awkward position. His new Attorney-General was not prepared to modify his opinion to suit the Government's need. Lord George Hamilton was annoyed. If he refused to unbend, Chamberlain would be left to stew in his own juice, and Natal might lose a valuable ally in the Secretary of State for the Colonies who had shown himself to be so accommodating to the Natal whites' viewpoint. Even the position of the Natal Ministry itself might be jeopardised. In his dilemma Mr. Binns turned to Harry Escombe for counsel. Old Harry came to his rescue. In an extremely able Minute, he unequivocally affirmed: *"I adhere to the opinion given by me on the 29th July, 1897,* that the Act (Indian Immigration Restriction Act) does not affect natives of India settled in the Colony." He then went on to show how that Act could be administered 'to the satisfaction of all concerned' without any amendment. The substance of his note was:

(1) By the expression 'settled in the Colony', he meant more than domiciled Indians, "for there are many so settled who are not technically domi-

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ciled". The Natal Emigration officers in India and officers in Natal could be instructed to afford facilities to persons from all parts whether coming to Natal as visitors or seeking to pass through the Colony.

(2) The working of the Act could further be made more satisfactory *by the power vested in the Colonial Secretary to exempt any person from the operation of the Act* or by the Colonial Secretary, the Agent-General and other officers appointed for the purpose in or out of Natal by issuing a certificate 'which is equivalent to exemption'.

(3) The word 'Immigration' in the Act was *not* applicable to Indians who, having settled in Natal, returned to India on a visit only and came back to the Colony.

(4) He had never said that all persons who had immigrated before that enactment would be free from the operation of the Act. Indentured and non-indentured *Indians who did so immigrate and who had returned to India would be affected* by the Act.

(5) This, however, could be easily remedied. *There being no statutory obligation* on an officer appointed under that Act to ask any person to sign the test letter set out in the Act, *the officer could be instructed by the Ministerial Head of the Department, to apply the tests or not apply them and he would be statute bound to obey his instructions. "The application of the test, therefore, becomes an administrative act."*

There was thus hardly any case of hardship arising out of the operation of the Act, the ex-Attorney-General showed, which was not capable of relief under the powers vested in the Government by the Act. This coupled with an assurance by the Natal Government that the powers obtained under the Act would be exercised in 'a fair, just and liberal spirit', he hoped, would render any amendment of the Act unnecessary.

> Natal is in honour bound to make the Act work fairly if only on account of the assent given to it under circumstances of great difficulty. *If the machinery which it provides proves in practice to be defective or incapable of use without oppression or hardship, I shall consider it my duty to concur in the necessary amendments.*[36]

In forwarding this minute to the Secretary of State for the Colonies Prime Minister Binns requested to be informed 'telegraphically' whether the view of Her Majesty's Government would be 'sufficiently met with' if without an amendment of the law, the Act of 1897 was administered in a liberal spirit, such as was contemplated in Mr. Escombe's Minute of 29th April last. On behalf of his Government he added, "Ministers can only assure the Secretary of State of their desire to carry out the Immigration Restriction Act in as lenient and liberal a manner as possible."[37]

Chamberlain heaved a sigh of relief. On July 20, 1898, Mr. Wingfield, Under Secretary of State for Colonies, wrote to the Under Secretary of

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State for India that if Lord George Hamilton saw no objection the Secretary of State for Colonies proposed to inform the Acting Governor of Natal by telegraph that Her Majesty's Government were 'gratified' at the undertaking of the Natal Government not to apply the Immigration Restriction Act to Indians settled in the Colony when the Act was passed, and would not "at present further press for the amendment of the Act".[38]

Lord George Hamilton withdrew his opposition. Honour was satisfied. The domestic feud was ended. The India Office agreed to bury the hatchet. After all, as Lord George had only a month ago in his Acton speech said, India was 'a savage country'.[39]

Under Secretary of State for India
to Colonial Office. *July 27, 1898*

I am desired to say that Lord George Hamilton accepts the explanation given ... and will raise no further objection to the Despatch which Mr. Chamberlain proposes to address to the Governor of Natal.[40]

The Indian community never forgot Harry Escombe's firm and manly stand on this occasion and on his passing away recalled with gratitude his unswerving adherence to the 'gentleman's agreement' that he had made with them at that memorable meeting on Saturday night, September the 25th, 1897.

Had Harry Escombe been in the Government he could have been depended upon to see that the assurances given by him were implemented by the Natal authorities in letter as well as in spirit. But he was out of power and not long afterwards he died. The Natal authorities brushed aside the half-hearted protests of the Colonial Office and of the Secretary of State for India, and things took their inevitable course. Both Chamberlain and Lord George Hamilton naively accepted the assurance of the Natal Government which, they must have known from their past experience, meant nothing. To placate the Secretary of State for India, Chamberlain had blandly told him that the Immigration Restriction Act did not "affect British Indians as such", and that the language test prescribed under Act 1 of 1897, was "one on which intelligent Indian immigrants will probably have no great difficulty".[41] Actually, between May 5, 1897 when Immigration Restriction Act was passed and 1901, against 3,355 Indians who were admitted into Natal[42] 5,388 were refused admission and, out of 2,482 adults who got into the Colony only 187 could pass the education test. The remaining 2,295 proved former domicle.[43]

The rules framed under it added to the vexation of the Indian community and provided unbounded opportunities for harassment by the officials of the Immigration Department. It had a delayed action in the Cape, where arrival of a body of immigrants who had been refused permission to land in Natal under the amended Immigration Act led to enactment of

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an even worse immigration law than the one in Natal.[44]

The continued flagrant abuse of the Dealers' Licensing Act at last forced Chamberlain to intervene. But having already weakened his position and compromised that of the Secretary of State for India by his impetuous commitment to the Natal authorities without consultation with the India Office he could do no more than keep out the racial terminology, while suffering usurpation of the rights of British Indians in South Africa by the white Colonists. The Secretary of State for India in his turn stultified himself by threatening time and again stoppage of the Indian indentured labour's immigration into Natal, which he probably did not seriously mean and, when it came to the scratch, fought shy of. The doctrine of racial equality and of equal Imperial citizenship rights was reduced to a matter merely of semantics.

On the occasion of the passing of the Franchise Amendment Act, Chamberlain to assuage the India Office had told them that exemptions from its working could be granted by the Governor. But during the first year that the Act was in operation only twelve Asians were so exempted—"five Indian servants of the 5th Lancers, three Indian teachers, three Mauritious Creole servants, and an Indian servant for the Addington Hospital"![45] The Franchise Amendment Act had delivered a lethal blow to the political rights of the Indians in South Africa. The Immigration Act barred the entry of free Indians unshackled by the Immigration law and precluded even resident Indians who had no definite domicile in Natal. The Dealers' Licensing Act completed the process. It threatened the very existence of the Indian business community settled there.

6

No sooner were the anti-Indian measures passed than the Indians began to feel the brunt of them. The first person to be charged under the new Indian Immigration Act with being a prohibited immigrant was Ramasamy Tambooran, a free Indian coming from Johannesburg. Produced before the City Magistrate, Pietermaritzburg, he admitted that he did not have the necessary papers, nor could he pass the tests required by the Act. He pleaded guilty and was sentenced to undergo imprisonment for three months till he was deported from the Colony, or if he should return to it after being put across the border by the Natal police, unless he could furnish two approved sureties of £ 50 each that he would leave the Colony within a month. "The process is apparently severe," commented the *Natal Mercury*, "but if the law is to become a deterrent ... strict measures must be adopted to enforce these provisions."[46] They could not have the police constantly travelling up and down from Charlestown and waiting in Durban for ships to sail with any undesirable "who cares to assert that he wishes

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to embark on board some vessel or other". The only remedy was to come to a general arrangement with the neighbouring States and make the Act applicable to the whole of South Africa.[47]

In September about 75 Indians, who had crossed the border and gone to the Transvaal to sell their wares, were arrested some time after their return to their homes in Natal at Dundee, for having contravened the Immigration Act and lodged in gaol. Mr. Smith with Mr. Anderson appearing for them explained to the officer appointed under the Act that they were formerly domiciled there. A few of them were accordingly released. The rest were brought before the Magistrate who refused to discharge them or to release them on bail. Next day Gandhiji arrived from Durban, and applied with the Attorneys for the release of the men on bail which was immediately granted by the Magistrate with permission to approach the Immigration Officer. The latter refused to discharge them and they were again brought before the Magistrate. Gandhiji entered five exceptions. The Magistrate without entering into substantive objections accepted the first exception, 'summary trial without consent', and discharged them after they had been in prison for six days. Had the trial run its full course it might have cost them several hundreds of pounds. Even as it was it cost them not a little during the seven days' trial.[48]

The white section of the Natal bar felt very annoyed by the action of the Magistrate in "refusing the two attorneys what he allowed to the third (Mr. Gandhi)", although "the same objections were raised by Mr. Gandhi as were raised by the attorneys". Either the charge must have been defective, they urged, or there was something wrong in the dismissal. In either case it was up to the Government "to put men in power whose qualifications enable them to deal out justice"![49]

* * *

A side result of the judgement in the Dundee case was to revive the anti-Indian scare. A correspondent wrote in the columns of the *Natal Mercury* that the Indians who were tried in Dundee under the Immigration Act were 'new arrivals from India' and had 'surreptitiously entered the Colony'.[50] Harry Sparks on behalf of the Demonstration Committee opened correspondence with the Government on the subject, claiming that "there was an attempt on a large scale to evade the Immigration Act". A telegram was flashed from Delagoa Bay that 1000 free Indians had landed there and were on their way to Natal. The *Natal Mercury* went a step further and assured the Colonists that the Government had issued instructions to the police to be on the look out for Asiatics coming from the direction of Delagoa Bay. 'Man in the Moon' in his popular feature columns in the *Natal Mercury* added the finishing touch to these reports by representing the landing of Indians as "Indian Invasion,...a part of an organised attempt

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to set the Immigration laws at defiance".

To halt the mischief Gandhiji immediately wrote to the *Natal Mercury*. "This is all dramatic, and would be highly amusing if it were not calculated to inflame the passion of the European community. ... So far as I know, this is the second time that he ('Man in the Moon') has lost his power of distinguishing between fact and fiction with respect to the Indian question."[51] He revealed that as soon as the correspondence between the Demonstration Committee and the Government was published in the press he had offered to bring most of the men before a competent court and to prove their innocence. They were all formerly domiciled in Natal and they had a perfect right to enter the Colony. "Proofs to that effect are still in possession of the Immigration Officer at Dundee. One of the men is at present in Durban, and he can be brought at any time the Government likes."

Then, it had been alleged that these men had got their certificates at Durban. This, Gandhiji showed, was not true. Some of them on their discharge on technical grounds had applied to the Magistrate at Dundee for certificates of domicile and been refused. Thereupon he (Gandhiji) had himself gone to the Government for the certificates but had failed. But there was a world of difference between Dundee men getting their certificates at Durban, and those who got them contrary to the provisions of the law. "The question was fully argued before Mr. Waller before such certificates were ordered to be issued."

He conceded that some out of the 1,000 passengers, alleged to have landed at Delagao Bay, might want to come to Natal. They certainly were "not angels, and a few may try to evade the Act, and may enter the Colony if there is no supervision". But there was no organisation, and no advice to defy the law and come by the back door, such as the 'Man in the Moon' had conjured up in his 'fertile imagination'. The Indian shipowners in Durban, he further revealed, had on the Act coming into operation written to the Government, in reply to a letter asking them for their cooperation in enforcing it, that while they disapproved of the Act, they would loyally abide by it, and aid the Government so far as it lay in their power as long as the Act remained on the statute book. The leaders of the Indian community well realised that if the Act was ever to be removed it could only be by persuasion and by their showing a clean record. They had therefore in season and out of season impressed upon the Indian community the necessity of not evading the Act. "The policy of evasion is on the face of it suicidal, and the past record of the Indian community is not, I venture to submit, such as to justify the belief that the community is likely to commit a suicidal act."

Gandhiji concluded with a request for "a full public enquiry and appropriate action" against any organisation or persons behind 'wholesale

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invasion', if any such was discovered. On the other hand, if there was no such organisation or attempt at wholesale invasion, it should be publicly acknowledged so that false rumours might be scotched. He appealed to the *Natal Mercury*, as an act of public service, to institute a preliminary enquiry with a view to enable the Government to undertake a public enquiry, "or to force their hands if they were unwilling to make any enquiry at all".

To this the *Natal Mercury* replied, rather petulantly, the people of Natal had "a perfect right to be on the *qui vive* to see that the law of the last session was not evaded". As for a public enquiry, there was no necessity for it, "seeing that the Government have the matter under consideration". Whether Gandhiji believed it or not, the Ministerial organ went on gratuitously to say, the British Government had a strong sense of justice, and the Natal Ministry could be expected to act fairly in the matter.[52]

Gandhiji returned to the charge. He did not dispute the right of the Europeans to be on the *qui vive*. But he did object to the circulation of false rumours and again pressed for an enquiry.[53]

> There are two contradictory statements before the public. The one is that there is an attempt at wholesale evasion of the Immigration Act, backed, ... by an organisation; on the other hand, there is a total denial of the statement. Which story are the public to believe? Would it not be better in the interests of all concerned if there was an authoritative statement as to which story is worthy of credence?

As for the British sense of justice, "If I had no faith in the strong sense of justice of the British Government, I would not be here ... I repeat ... that British love of justice and fair-play are the sheet-anchor of the Indian's hope."[54] It was precisely because of his firm faith in British justice, he said, that he had asked for the enquiry.

The *Natal Mercury*, however, would neither contradict the false reports to which it had in the first instance given currency nor institute a preliminary enquiry, as suggested by Gandhiji. He had, therefore, to find some other means to undo the harm. Already he had written to the Colonial Secretary at Maritzburg, pointing out the dangerous implications of what had appeared in the *Natal Mercury*, and requesting the Government either to contradict the baseless report or institute a public enquiry into the matter. The Principal Under Secretary replied on November 16, 1897, saying that the Government had "never stated," nor had it "reason to believe" that there existed in Natal "an organisation for the purpose of setting the Immigration Restriction Act at defiance".[55]

This served Gandhiji's purpose. He immediately wrote back reiterating his assurance that if attempts to evade the Act were brought to the notice of the Indian community "everything that could be done will be done by

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the representatives of the Indian community in Natal to prevent their recurrence", and intimated to the Principal Under Secretary that he was releasing copies of his correspondence with the Government to the Press. Their publication in *Natal Mercury* of November 20, laid the ghost that 'Man in the Moon' had raised. Discomfited, 'Man in the Moon' wrote on the same day referring to the statement about 'organised invasion' to which Gandhiji had taken exception : "I am afraid he (Mr. Gandhi) has given too literal an interpretation of the phrase!"[56]

7

Spencer Walton, the head of the South African Mission, had been taking keen interest in Gandhiji's spiritual welfare since Gandhiji's arrival in Natal from Pretoria (see The *Early Phase*, p. 709), and often used to invite him to attend his prayer meetings at his headquarters in Ash Lane, off Point Road. At his request Gandhiji had detailed Vincent Lawrence to teach Tamil to two of Spencer Walton's lady Missionary workers, Misses Day and Hargreaves. They resided near the Phoenix Estate, but for their lessons they had to come to St. Aiden's Girls School in Pine Street corner off Cross Street, Durban. As the classes continued well until 9 p.m., Vincent Lawrence had to remain out till late at night. On two or three occasions he was stopped by the police and asked to produce a pass. When Gandhiji brought this to the notice of his friend, R. C. Alexander, the Superintendent of Police, the latter advised him to apply for a Mayor's pass of exemption. Being of the view that the bye-law, under which he was asked to apply, did not apply to Vincent Lawrence's case, Gandhiji was loath to act as advised, but in the first week of September Lawrence, while returning home, was again asked to produce his pass. To avoid needless inconvenience Gandhiji finally decided to apply for a Mayor's pass of exemption for his clerk.[57]

In the following month again there was trouble. Two Indians, Mahomed and Esop, were brought up in Maritzburg by the railway authorities for not being able to produce any pass or certificate of discharge. They had a store in Church Street, and were going to attend their brother's funeral when they were arrested. Before the court, the sergeant explained that he had acted under the belief that they were indentured Indians, trying to get away disguised as store-keepers. The Magistrate, however, held that it was evident that the men before him never had been indentured Indians. The police must not, he observed in his judgment, arrest every Indian who had no pass "simply because 1200 Asiatics had landed at Delagoa Bay". The proper course would have been to take the men before the Immigration Officer. He advised the defendants to take out a pass which they agreed to do.[58]

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This continued to be the state of affairs till the middle of the following year when, at the instance of the India Government, Chamberlain instructed the Natal Governor to ask the Natal Ministry to amend the Act No. 28 of 1897. Relief came in June 1898 when the Attorney-General in moving the second reading of the Indian Protection Amendment Bill said that as the law stood 'too much latitude' was given to the police; something more was required than the absence of a pass. "There must be a *bona fide* suspicion on the part of an arresting officer that the Indian arrested was an indentured Indian."[59]

Harry Sparks opposed the motion on the ground that "it would be inoperative unless distinctive badges were worn by free Indians". He moved that the Bill be read 'that day six months'. The original motion was carried after his amendment was thrown out by 19 votes to 8.

8

As the time for renewal of licences drew near, the whites began to agitate that the European clerks in the employ of 'Arab' or Indian storekeepers were 'degrading themselves' by helping the Asiatics to keep their books in English. They would by the aid of hired book-keepers be able to show their books in English, it was suggested, and dispense with their services after the licences were secured.[60] Accordingly, in the last week of October, 1898, thity-eight European merchants sent a Memorial to the Durban Corporation to strictly enforce the new Licensing Act, particularly the provision under the Insolvency Law in regard to the keeping of books of account in the English language. But on the Memorial being referred to the Licensing Officer, Mr. Dyer, that officer reported that the prayer of the memorialists had from the very first been very carefully carried out, but he was not sure whether "all the (European) memorialists would be willing to submit to the terms of their own request in the same way as I have already required many applicants for licences to do". This drew from Mr. Taylor, the Town Councillor, a sharp rebuke: "We don't want any such remarks as that from the Licensing Officer."[61] Some time afterwards, when Dyer refused licence to a European 'as the applicant was not of good character', his conduct was dubbed 'monstrous'.

The first trader to fall under the axe of the new Licensing Act was a Chinese, Foo Hing. He had purchased a store in Pietermaritzburg in the full belief that a trading licence would be granted to him. The Borough Licensing Officer, however, did not consider him 'a fit and proper person' to obtain a licence, and the Town Council upheld the Licensing Officer's decision in witholding the licence.[62]

The next victim was an Indian—Rehm Hassan. He had a store in West Street and used the verandah part of it for the sale of his fruit and vege-

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tables. Refused a licence for his store, he continued his trade on the verandah. He was fined ten shillings for contravention of section 9 of the Retail Licensing Law Amendment Act.[63] Gandhiji on behalf of the defendant gave notice of appeal.

A test case followed.

Moosa was an Indian fruiterer ... Unlike Rehm Hassan, he owned no store but had improvised a removable open wooden stall under a canvas awning, which he used for selling fruit and vegetables in a private passage leading to the Mosque in West Street. He was prosecuted for trading without a licence.[64] Gandhiji appearing on his behalf agreed that the charges were correct, but contended that hawkers did not come under the operation of the Dealers' Act. His client, who owned no store, was only a hawker. The Magistrate, however, held that Moosa was not a hawker and imposed a nominal fine of five shillings only, on Gandhiji's plea that his was a test case.[65] Moosa appealed to the Supreme Court. The Supreme Court after a lengthy argument accepted his attorney's plea that, as the applicant did not keep a retail shop within the meaning of the Act and the Magistrate had held that he was not a hawker, the penalty had been wrongly imposed, and set aside the Magistrate's decision.[66]

On the strength of this decision Gandhiji was able to get the fine imposed on Moosa refunded as also in another case in which several Indians, who owned a squatter's licence, had been fined £ 1 each for vending bread, etc., in the open at the Point.

Up went the cry in the Natal Press, if Moosa was not a retail trader, what was he then? The *Natal Advertiser* demanded that if such places were not shops within the meaning of the Act, "the sooner they are brought within the Act by special enactment the better",[67] otherwise the purpose of the Act would surely be defeated. The *Natal Mercury* joined in the cry. On February 9, 1898, the Committee of the whole Council adopted the report of the Town Solicitor recommending that the "Town Solicitor be instructed to draft a Bill to remedy this defect and that this Bill be introduced next session".[68]

These were, however, only preliminary skirmishes. Both sides were feeling their ground. The real battle was yet to come.

A farewell gift of the departing year, as it were, was the announcement by the Transvaal Government that as from January 1, 1898 the 'coolie Asiatic Law' would come into force and all Asiatic residents would have to go into locations from that date.

The dying year, however, was not without the proverbial silver lining to the dark cloud. In the second week of December a meeting was held at Verulam near Phoenix Railway Station, where Misses Day and Hargreaves had started educational work among the Indians. At the meeting Mr. Wal-

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ton made a statement respecting the initial difficulties of the work inaugurated. Gandhiji, who was present in the meeting and took a keen interest in the Mission work, thereupon promised on behalf of Parsi Rustomji to build one of the tanks which, Mr. Walton had said, was needed for their work.[69] Referring to it, the *Natal Advertiser's* columnist wrote: "Verily the Parsis and Hindoos will presently be showing us the way of a practical Christianity." He read in it a sign of 'the universal Millennium's near approach'.[70]

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CHAPTER VII

AN ELEVENTH HOUR REPRIEVE

1

THERE WERE at this time in Natal upward of 30,000 free Indians besides the labourers who were still serving under indenture. The latter had been reduced to a sub-human level. They could neither help themselves nor others. It was the free Indian that constituted the backbone of the Indian community. And he in the bulk belonged to the trading class. He had the brains, the resources and the political consciousness. Upon his survival depended the future of the Indian community, including indentured labourers as well as such time-expired 'coolies' as had been or might be able to set up as hawkers and petty traders on their own. The Indian trader's struggle against the new anti-Indian legislation thus became the question of questions for the Indian community in South Africa. Into this struggle Gandhiji hurled himself might and main with a grim determination.

In replying to the debate on the second reading of the Dealers' Licensing Act in the Natal Assembly, Harry Escombe, the then Prime Minister, had said that he believed in the fairness of the municipal authorities of the Colony, and that the Bill would be administered with 'justice and moderation'.[1] On his return from the Colonial Premiers' Conference at London he had repeated his assurance that the powers conferred under the new measure would be 'judiciously and moderately exercised.'[2] The Indians had, therefore, hoped that the powers conferred under the new Act would not be oppressively used, and at any rate the existing vested rights would be respected. But, contrary to their expectations, they found themselves up against an organised attempt not only to *deny* them the right of earning an honest living but also to *deprive* them of such rights as they had been enjoying for years past in the Colony.[3]

The Town Councils were dominated more or less by Europeans who were merchants themselves and wished all the business for themselves, and the Licensing Officer, being an employee of the Town Councils, could hardly dare to go against their wishes, even if he felt inclined to. If the Indians appealed to the Town Council, that body supported its officers. If they appealed to the Supreme Court of Natal, the Privy Council decided that there was no such appeal from the Town Council under the Dealers' Licensing Act.[4] In the words of *India* the Indians lay at the mercy of the Town Council and the Town Council had no mercy.[5]

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The opening shots were rather mild. In January 1898, the Licensing Officer, Forsyth, rejected wholesale applications for retail trading licences of eight applicants on the ground that they were not keeping their premises in a proper sanitary condition and were not having their books kept in English as required under the Law. He gave them fourteen days' notice to conform to regulations and then re-apply.[6]

The Durban Town Council, the premier Corporation in the Colony, consisted of eleven councillors. One of them (Dan Taylor) had taken a leading part in the Demonstration against the landing of the Indians on board the *Courland* and *Naderi* and threatened to send them back 'by force if necessary'. He now carried his hatred of the Indians into the Town Council. The Europeans were largely indifferent when they were not violently anti-Indian. This Councillor consequently invariably carried the day whenever a matter concerning Indians came up before the Corporation. The Licensing Officer of this Corporation made it a rule not to grant a trading licence to any Indian, who had not before held such a licence in Durban, irrespective of "whether he is an old resident or a new arrival, whether he is an accomplished gentleman knowing English or an ordinary trader, and whether the premises in respect of which the licence is sought are suitable in every respect and have been before licensed or not".[7] A *cause celebre* was that of Somnath Maharaj.

2

An ex-indentured labourer Somnath Maharaj, after serving the Colony for five years under indenture and residence there as a free man for thirteen years, had by dint of perseverance raised himself to the position of a trader. He had already run a store in Mooi River for six years. He applied for a licence to carry on a retail trade in the borough of Durban on the premises belonging to the Natal Indian Congress. The Licensing Officer could find nothing against him. The Sanitary Inspector made a favourable report regarding the premises in which he intended to carry on his trade. He had fifty pounds as cash capital, owned a piece of freehold land in the borough, and had his dwelling house separate and at some distance from the intended store. To keep his accounts in the English language he had engaged the services of a European book-keeper. Three well known European merchants had testified to his respectability and honest dealings. The Licensing Officer, however, refused him a licence, without giving any reason for his decision.

Town Councils and Town Boards were authorised under the new Licensing Law to hear appeals against the decisions of the Licensing officers and also against their own confirmation of such decisions. An appeal vas filed by the applicant before the Durban Town Council against the

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decision of the Licensing Officer. On March 2, 1898, at a special meeting of the Council, presided over by the Mayor, H. W. Greenacre, the Licensing Officer's decision was confirmed on Dan Taylor's motion, after an amendment by Town Councillor Mr. Collins asking for the Licensing Officer's reasons was thrown out by four votes to three.[8]

Gandhiji wrote to the Town Clerk for an explanation of why the Licensing Officer had refused the licence but was told that the reasons could not be given. He asked the Town Clerk for a copy of the record and was told that he could not be furnished with it.[9] On the subsequent appeal against confirmation by Town Council of the Licensing Officer's decision he, arguing for the appellant and the owners of the premises, submitted that he was entitled to a record of the proceedings. The Council sat in the capacity of a judicial tribunal and there was nothing in the law to provide that the ordinary rules for procedure were to be subverted.[10] If the Council decided that he had not a right to the record then it would mean that the right of appeal had practically been refused him. His client was one of the burgesses, and as such was entitled to every consideration a burgess should receive at the hands of the Council. Instead, he was being opposed practically by the whole municipal machinery. If he was not told what the issues were, how was he going to argue his case? He asked whether this was an appeal under the British Constitution.[11]

The Mayor consulted the Law Officer, who said that the record was not complete until the decision of the Town Council on the appeal had been arrived at. Mr. Collins thereupon said that frankly he did not like the law on the point in question, which did not seem to him to reflect true justice. He moved that they should get the reasons of the Licensing Officer in writing, and then adjourn that meeting so as to give the appellant an opportunity of answering them. Expressing his surprise that some members of the Council were prepared to vote on the matter without knowing why the licence had been refused, he remarked that he had often heard that justice was blind, but he had never seen so forcible an illustration of it before. Dan Taylor opposing the motion agreed that justice was blind but said, "there were councillors who could see the Licensing Officer's reasoning without looking at a bit of paper". He was sorry "there were those present who were so ignorant that they could not see it".

Mr. Collins' motion being then put to the vote and carried, all the members with the exception of Messrs Henwood and Jameson, adjourned to the Mayor's parlour to consider in private the Licensing Officer's reasons for refusing the licence. On resuming, Mr. Brown moved that the action of the Licensing Officer in refusing the licence be confirmed.

Gandhiji: "I have not been heard."
The Mayor: "We will hear you now."

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Gandhiji: "I have not yet got the Council's decision whether I am entitled to a copy of the record."

The Mayor: "The decision of the Council is against that ."

Gandhiji said he fully realised that he had an uphill battle to fight.[12] He was told that the Council would refuse any application for new licences, no matter whether the applicants had good business qualifications or not. If that was correct it was unjust, and if a man was not to have a licence because he had a brown skin, such a decision was un-British, un-English. There was nothing in the law to show that licences must be refused to persons because of their nationality. His client was a thoroughly respectable man, whose straightforwardness and business capacity had been vouched for by three Natal European firms. He came under indenture at the Colony's request and was told that he would better his prospects. He had given the best part of his life to the Colony for a miserable pittance and then he was refused a livelihood because his skin was against him. He appealed to the tribunal to remember what their late Premier had said, viz., that the Town Council had been given a giant's strength, but they should take care that they did not use it in that fashion. He hoped the Council would be guided by that noble exhortation and grant the licence.

But the Council did the contrary and resolved to confirm the decision of the Licensing Officer *nem com.*[13]

As the Supreme Court had by this time in another case decided by a majority that in virtue of the Dealers' Licensing Act it had no jurisdiction to hear licence appeals on merits, an appeal against the decision was noted, not on its merits, but on grounds of irregularity, viz., that reasons were refused, that a copy of the record was withheld from the applicant's counsel and that, while the appeal was being heard, the Councillors with the Town Solicitor, the Town Clerk, and the Licensing Officer had retired for secret deliberations into a private room.

In giving the Court's decision the Acting Chief Justice, Sir Walter Wragg, said that while it was true that there was no appeal from the Town Council, the proceedings in the case under review constituted a grave irregularity. The action of the Town Council in the case before them had been 'oppressive'. There was no reason why the Town Council should have refused to give a copy of the record to the appellant's counsel, and why the Town Clerk should have refused to let the appellant's counsel know what the reasons of the Licensing Officer were. He held that the refusal of both requests was 'unjudicial and an improper proceeding'.[14]

Mr. Justice Mason dubbed the proceedings under appeal 'a disgrace to the Town Council', and held that under the circumstances "it was an abuse of words to say there had been an appeal to the Town Council".[15] Mr. Justice Finnemore concurring, the Court quashed the proceedings of the Town Council and ordered that the appellant's appeal to that body be again

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heard. Costs of the proceedings were given against the defendant Corporation.

A Natal paper observed that it was not pleasant for burgesses to hear the action of the Corporation stigmatised by the highest judicial tribunal as 'oppressive and disgraceful'. Now that the question had been definitely settled, it hoped, there would be "no recurrence of such irregularities, which ... impair rather than strengthen the position of the Council".[16]

The appeal was re-heard before the Town Council on June 6, 1898. This time a copy of the record was given, the Licensing Officer stating as the ground of his refusal that "the applicant had no claim whatever upon Durban, as the class of trade he was engaged in was sufficiently provided for in the town or borough". Gandhiji representing the appellant said that he was quite sure, before the Licensing Officer gave his reasons, that he would base them on the ground he had. The reason submitted by the Licensing Officer was in his opinion not sufficient to warrant the Council to reject the appeal. The man being an Indian could not change his skin.

It was all love's labour lost. The Town Council upheld the Licensing Officer's decision, a Councillor moving, "that it was undesirable that the licence should be granted in view of the fact that the percentage of licences already granted was in excess of the requirements of the population". No notice was taken of the fact that only a few months before there was a store-keeper in the premises sought to be licensed, that he had left Durban and there was, therefore, no question of increasing the number of licences. The landlords, who were Indians and were also represented, too, had a claim for consideration at the hands of the Town Council. But their interests were completely ignored. The owners of the property in question consequently lost the amount of the rent they were receiving, as the premises were only suitable as a store.

3

The Licensing Officer of New Castle went one better. He refused to grant licences to each of the nine existing licence holders involving in the sum an investment of £ 10,000 and over forty hands who were directly dependent on this business. No reasons were given for the refusal. When the matter came up before the Town Council on appeal, they were told that the report framed by the Sanitary Inspector was of an unfavourable nature, "the premises not being fit for the intended trade, as required by section 8 of the Act".[17]

As suspension of the business of these store-keepers would have also resulted in collapse of several houses in Durban, which supported them, the Indian traders at great expense engaged Mr. Laughton. Unlike the Durban Town Council, New Castle Council was not a homogeneous body.

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It granted six licences out of the nine, but upheld the decision of the Licensing Officer in the case of three others despite medical testimony to prove that their premises were in a satisfactory condition, and despite their readiness to effect any structural changes in the premises that the Sanitary Inspector might recommend.

An appeal was brought up before the Supreme Court. Mr. Laughton appearing for the appellant, argued that the Act said that there should be no appeal from the decision of the Licensing Officer but the gentleman who had framed the Act had in drawing it *omitted to lay down* one particular provision, namely, *that there was to be no appeal from the decision of the Town Council.*[18] The Act provided for the appeal to the Town Council, and as the Town Council had failed to do its duty, he had a right to appeal to that Court.

The Chief Justice, Sir Michael Gallaway, agreed with Mr. Laughton that if the Town Council failed to do their duty for or against he had a right to appeal to the Supreme Court. If Parliament desired to take away the jurisdiction of the Court, they must do it by direct and expressed terms. In the absence of special legislation to that effect, Law 18 of 1897 (Dealers' Licensing Act) had not upset the practice which had hitherto prevailed, and therefore, the writ of review obtained in the case before them.

Mr. Justice Mason and Mr. Justice Finnemore, the other two members of the bench, however, dissented from the Chief Justice on the ground that the jurisdiction of the Court could be ousted, not only by express words but also 'by implication'. In the case before them a special way of appeal had been provided and the Supreme Court had been excluded.[19]

Emboldened by the Supreme Court's decision, Town Councils now began to refuse licences right and left. Even hawkers were not spared although they never competed with Europeans. Hasan Mahomed was denied the privilege of hawking, despite his prayer that to deny him a licence was equivalent to asking him to court starvation. Mahomed Majom of Grey Street applied for a trader's licence with respect to premises belonging to an Indian gentleman. His application was refused on the ground that he could not read or write English.[20] The Town Council confirmed the decision of the Licensing Officer and in a special meeting held on June 6, 1898 to consider the subsequent appeal against its own decision, rejected the appeal by a unanimous resolution. Reduced to poverty, Mahomed Majom was forced to live off the earnings of one of his partners, who was a tinsmith.

In the other application on behalf of Hasan Mahomed for a hawker's licence, again, the Licensing Officer's decision was upheld and the application refused.

As the legal issue involved in the New Castle appeal case was of crucial importance and the Chief Justice, dissenting from the other two

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judges, had favoured the contention of the appellants, the matter was taken to the Privy Council. The appeal was lost, costing the Indians over six hundred pounds in legal expenses.

The Privy Council's decision was received with jubilation by the extremists all over South Africa. But fair-minded Europeans felt troubled at heart. 'A Colonist of close upon 20 years' in an outspoken letter to the *Natal Mercury* of December 14, 1898, wrote that Vavda had been trading in New Castle for 15 years, during which time he had been a good citizen; "a fact which evidently the members of the Licensing Board in New Castle don't like". That the Corporation could be congratulated upon "such a miserable misconstruction of its powers", or that the decision of the Privy Council would be welcomed by fair-minded people in Natal, he felt, was 'questionable'.[21]

The *Natal Advertiser* called the Dealers' Licensing Act *"an Act which might have been expected from the Transvaal Raad"*.[22] The Aliens' Expulsion Act, ousting the jurisdiction of the High Court in the Transvaal against which an outcry had been raised in the Colonies, was in its opinion 'not one whit worse' than the Natal Act. "Indeed if there is any difference ours is the worse, because it is likely to be more frequently enforced." Referring to the objection that the Act would not have been effective if the right of appeal to the Supreme Court had been allowed it wrote:

> Surely that body could be trusted to exercise common sense.... Far better indeed that in one or two cases, the latter (the desire of the Municipality) should have been overruled than that the principle should be laid down in a self-governing community under representative institutions that in any case affecting the rights of the citizen recourse to the highest judicial body in the State should be deliberately barred.[23]

4

Hitherto, the Town Council had been able to take shelter behind some technical legal objection or excuse for upholding the Licensing Officer's decision. Now came a case in which there was positively no other objection than that the applicant was an Indian. In the Dada Osman case for the first time the real reason for the refusal of so many licences was given in its nakedness.[24]

Dada Osman was connected with the then premier Indian firm in South Africa. He had been in the Colony for over 15 years, and had received a fairly good English education. With a regular business in Usminga (Natal) and another in Vryheid (Transvaal), in 1898 he sent for his wife and children from India and decided to settle in Durban. Renting a spacious building at 117, Grey Street from a firm of Indian merchants at £ 11 per month, he bought furniture worth over £ 100, and in September

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1898 applied for a wholesale and retail licence for the newly engaged premises. The Licensing Officer thoroughly went into his affairs, tested his knowledge of English as well as of book-keeping and, after having required Dada Osman to appear before him thrice, declined to entertain his application.

Both the landlord and Dada Osman appealed to the Durban Town Council against the decision of the Licensing Officer. At a special meeting to consider the appeal, the Licensing Officer gave as his ground for refusal that the Act 18 of 1897 was passed "with a view to placing some check on the issue of trading licences to certain classes of people, generally regarded as undesirables",[25] and he believed that the applicant was "one that would be included in that class". Besides he had never before had a licence in Durban.

The Town Clerk and the Sanitary Inspector both testified that the premises in question were suitable and had been previously licensed. Alexander McWilliam, a European merchant of repute, said in his evidence before the Council, that he had known the petitioner for the last 12 or 14 years and had had considerable business dealings with him, and had in fact at one time, allowed him credit to the amount of £ 500. As a proof of his belief in the applicant's integrity he was prepared to again allow him credit to the amount of £ 500. As a ratepayer he had no objection to the applicant holding a licence.

The applicant stated that he had carried on business in Usminga, where he had two stores, for 15 years. His house and store had electricity. He could write letters in English and understood book-keeping in both single and double entry system. He never had a licence in Durban as it was not absolutely necessary for his upcountry stores. But he desired a licence to cover his expenses in Durban, where he purchased all his stores and where he was obliged to keep a house. If the Council refused his licence he would have to shut up his upcountry stores.

Abdul Cadir, managing partner of the firm of Mohammed Cassim and Co., owners of the premises, told the Council that he owned three or four properties in Durban amounting in value to between £ 18,000 and £ 20,000. Most of this property was let, and if Osman did not obtain a licence the witness would lose the rent of that particular store. He gave corroborative evidence regarding the honesty and capability of the petitioner.

Gandhiji, arguing for the applicant, said that he was sorry that on a previous occasion he had failed to convince the Council that they had first to consider the landlord's interests. Abdul Cadir was a ratepayer just as good as any other ratepayer in the borough. If the licence was withheld from the applicant (Dada Osman), the landlord would not be able to get a tenant for his premises. The premises were suitable only for a store and it would not be possible for the landlord to let them for any other purpose.

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Evidence had been led to the effect that the premises were decent and respectable and had been previously licensed.

As for the applicant, there was nothing objectionable in him except that the Licensing Officer held that he would come under the category of undesirable persons, whom it was the intention of the Dealers' Licensing Act to exclude. There was nothing in the preamble of the Act to show that this was the intention of the measure. And yet, the Licensing Officer, who was supposed to have a judicial mind at the time of considering the application, had actually gone out of his way to refer to speeches made at the time the Act was passed. This was a most extraordinary course for a Licensing Officer to take; he had no business to refer to the speeches made in the Legislative Assembly at the time the Act was passed. Gandhiji hoped that, because the Licensing Officer had seen fit to refuse the licence for the reasons given, they would upset his decision. Reading extracts from Chamberlain's speech at the conference with the Colonial Premiers in which he had said that they had to bear in mind the traditions of the Empire which made no distinction in favour of or against a race on the ground of colour, Gandhiji pointed out that it was the character of the immigrant they had to deal with. It was not because a man was of a different colour to themselves, Chamberlain had said, that he was undesirable, but because he was dirty, immoral or a pauper, or because he was in some other way objectionable. No such objection could be brought against his client. The only objection that had been brought against his applicant was the one that had been discounted by the Secretary of State, viz., that he was an Indian and therefore came to be classed as an undesirable person. The Licensing Officer, by giving openly the reason why the licence was refused, had placed the Indian community under a deep debt of gratitude.

Then, it had been said in the Council Chamber that the objection to the Indians was not their colour or because they were Indians but because they would not live in a decent manner. That objection also could not be held against his client. If a licence was refused to a man like his client, it would go forth that the desire of the Council was not really that the Indians should live in decent, respectable premises by conforming to the sanitary requirements of the Council, but live anyhow. Surely, that was not what the Council would wish.

Concluding, Gandhiji pointed out that the store, for which a licence was applied, had been licensed that year. By granting the application of his client the number of licences would not, therefore, be increased. If these stores were shut up, the Indian landlords would have to shut up their business.

Up rose Dan Taylor. He had not been convinced, he said, that the action of the Licensing Officer was wrong, and moved that his decision be confirmed.

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No one rose to second his motion, and for a moment it seemed as if the Town Council was ready to do justice when Mr. Collins came to the rescue. Seconding the motion, he said, he was not surprised that there was a great deal of reluctance on the part of the Council to refuse the licence. But he believed that the licence would be refused,

> and the reason was not because the applicant or the premises were unsuitable but because the applicant was an Indian. What Mr. Gandhi had said was prefectly true ... The Council was placed in a very unhappy position in having to carry out a policy which in the discretion of Parliament was considered necessary. Parliament, representing the community of Natal, had come to the conclusion that it was undesirable that the Indians should increase their hold on the trade of Durban. And it was on that account that they were ... called upon to refuse the licences which were not otherwise objectionable. Personally, he considered the refusal of the licence a grievance to the applicant, who was a most suitable person to appear before the Council to ask for a licence. But it had been found expedient as a matter of Colonial policy that these licences should not be increased.[26]

This was a strange statement to come from a person of Mr. Collins' eminence, who had often occupied the position of Deputy Mayor and had more than once acted for the Mayor. He must have known that by granting the licence in question the number of licences would not be increased. Besides, as Gandhiji put it, did the ex-Deputy Mayor think that the Parliament represented only the European community of Natal?

Messrs Evans Labistour and Hitchins entering the meeting towards the close of the hearing of the appeal were told by the Mayor that, as they had not heard the evidence, they should not vote.

Like the rest of the white colonists Mr. Labistour was not enamoured of the Indians. On the eve of the election he had claimed credit for taking steps to get a clause inserted in the condition of the sale of land in order to prevent the Indians from acquiring it.[27] But he was not prepared to bid goodbye to all decency. Disgusted with the whole business he let himelf go. Apologising for being late he said :

> He had purposely refrained from attending the meeting owing to the anomalous policy pursued in appeals of that kind. He disagreed with the dirty work they (councillors) were called upon to do. If the burgesses wished all such licences stopped, there was a clean way of going about the matter : viz., getting the Legislative Assembly to enact a measure against the granting of licences to the Indian community. But, sitting as a Court of Appeal, unless there were good grounds to the contrary, the licence should be granted.[28]

Dan Taylor's motion to uphold the Licensing Officer's decision being then put to vote was carried *nem com*, and the appeal dismissed.

Even *Natal Mercury* was forced to admit that 'regarded in the abstract'

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the Council appeared to have acted harshly towards Dada Osman, and not 'strictly in accordance with justice'.[29] The applicant could not be described, in the legal sense, as 'undesirable'.

The *Natal Advertiser* complimented Gandhiji on "the able defence he made yesterday". It was impossible not to feel some sympathy with him in his defeat, it wrote, but in refusing the licence no blame rested on the Council. The Council was only carrying out 'the spirit of the law'. The villain of the piece was the 'devious policy' of the Government. The Immigration Restriction Act was meant to check Asiatic Immigration but the object was not 'frankly and straightforwardly stated' and it was made a general Act to apply to all nationalities. "If it had expressly excluded Asiatics, there would have been no need for such stringent Licensing Acts as were regarded as its necessary complement." Such cases as Dada Osman's, "he being a long resident in the Colony", could then have been "more liberally dealt with by the Council, secure in the knowledge that the influx had been decisively checked, and that this class could not now increase in numbers".[30]

5

The Dundee Local Board abandoned even a pretence of fairness. In November 1898, a trade licence was granted by the Licensing Officer to a Chinese. A majority of the rate-payers appealed against the decision of that officer, and the Local Board by a majority of 3 to 2 cancelled the licence solely on the ground that the applicant was of the Chinese extraction, although the records showed that he was also a British subject. A man of 'unblemished character', as Mr. O' Hea, Honorary Secretary of the Colonial Patriotic Union described him, this man had been thirteen years in the Colony, having arrived "when there were only about 40 human beings for every hundred there are today". All this, however, availed him nothing and, as Mr. O'Hea put it, his character and long residence were ignored and a means of earning an honest livelihood in Durban denied him.[31] The Supreme Court refused to entertain the appeal against the Dundee Local Board's decision in virtue of its decision in the New Castle case.

Next to come in for the Dundee Local Board's attention were the Indian stores, numbering about ten. At a meeting convened by the Chairman of the Board, the Chairman, Mr. C. G. Wilson, said that "it was their endeavour, if possible, to rid the town of the Asiatic curse".[32] Mr. Jones then proposing "that the Local Board do all in its power to prevent the granting of further licences to undesirables; that the Licensing Officer ... be instructed to this effect; and that *steps be taken to cancel as many of these licences as possible"*, his proposition was unanimously carried amidst cheers.[33] Another proposition that "the Town Clerk and Licensing Officers should be

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two separate persons", was opposed on the ground that "if the Licensing Officer did not act as the Board bid in matters such as these, they had their remedy".[34]

The manifest injustice of the decision of the Dundee Local Board evoked sympathy for the Indians even among the whites. "By all means make them (Indian traders) adhere to the strictest sanitary regulations, keep their books in English, and otherwise do as English traders do," wrote 'Consistency' in the columns of the *Times of Natal*,

> but when they have met these demands, give them justice. No honest thinking man can say that the new Bill gives these people justice, or the community justice, because it puts into the hands of interested parties the power to push out a competition which is beneficial to the multitude and enables these interested parties to fill their own pockets.[35]

Commenting editorially on 'Consistency's' letter, the *Times of Natal* observed that the Government had never expected that the Boards and the Councils "which were appointed courts of appeal under this Act, would misuse their powers, as the Dundee Board threatens to do". If it was true, therefore, that the Dundee Local Board had resolved not to renew any Indian licences for the coming year, it ought "in the interests of its own ratepayers and in the interests of the Colony generally" to rescind that resolution forthwith. "For, so sure as it exercises its power in the wholesale manner now proposed so sure will it defeat the end we have all in view." To those who said, "There is the Act, and we shall enforce it", it gave the warning, "Yes, there is the Act, but how long will the Act be there if injustice is inflicted under it? The fact that a very large number of voters draw on India for their labour supply must not be lost sight of, for in it the Indian Government have the means of screwing a good deal more out of this Colony than many realise."[36]

But having administered the fatherly rebuke, with a strange inconsistency it went on to say: *"By all means let the undesirables be weeded out,* but the process must be very gradual so as to accomplish what is desired without inflicting any great injustice." Justifying the opposition to the Indian traders on the ground of self-preservation it wrote: *"Despite business and moral maxims, blood is thicker than water,* and *when it comes to a struggle between an alien race and our own there can be no question as to which side one should take."* [37]

6

By the end of the year 1898 many small store-keepers had thus been weeded out.[38] It was obvious that, if the Licensing authorities continued year by year to wipe out some small Indian store-keepers, it would not be long before the larger houses would be liquidated even without their having

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to be refused their licences. For instance, Mahomed Cassim Camroodeen & Co., one of the signatories to the Petition, had outstanding debts among nearly 400 Indian store-keepers and hawkers in Natal to the extent of over £25,000. Besides, they owned considerable property in Durban, tenanted by Indian store-keepers. Even if one-eighth of the store-keepers were refused their licences, the firm's position would be rendered untenable. They had already felt the pinch consequent on the refusal of the licences to Dada Osman. Similarly, Amod Jeewa owned properties in Estcourt, Dundee, New Castle, and Durban, which were almost entirely tenanted by Indian store-keepers and most of which could be used for no other purpose. The closing down of even a few of the businesses would mean practical ruin to him. Commenting on the plight of the petty Indian traders, *India* wrote:

> The small men thus weeded out will go to the workhouse if there be a workhouse (for Indians) or die of starvation... This will bring down the biggest Indian houses in the Colony. ... Well, obviously they are doomed. And so with the rest.[39]

Feeling that their fate was sealed unless the Imperial Government came to their rescue, the Indian traders decided to seek the intervention of the Secretary of State for the Colonies and of the Government of India on their behalf. "Consternation has seized hold of them and there prevails amongst them a feeling of insecurity and a nervous fear as to what may happen during the ensuing year,"[40] stated a petition, addressed to Chamberlain on December 31, 1898. After alluding to open advocacy by the *Times of Natal*, believed to be the Government organ, of the policy of 'gradual weeding out' of the Indian traders, the Somnath Maharaj case, the Dada Osman case, and the decisions of the New Castle Town Council and the Dundee Local Board, the petitioners went on to say that it had been argued that in self-governing Colonies Her Majesty's right of interference was very limited. But, however limited it might be it was "not less for the self-governing Colonies than for the Transvaal".[41] It was therefore up to the Secretary for the Colonies to issue "a strong remonstrance and advice" to the Government of the Colony "so to amend the Act as to render a recurrence of the injustice described above impossible". If that was not possible, the Colony should no longer be allowed to enjoy the privilege of using Indian labour, which was acknowledged to be indispensable for its advancement.

> The *Times of Natal* ... anticipates a withdrawal of the supply of the indentured labour from India in the event of injustice being done by Licensing authorities. *The Times* (London), the East India Association, Sir Lepel Griffin, Dr. Gust, the prominent bodies in India and the entire Anglo-Indian and Indian Press have already suggested that remedy; but so far Her Majesty's Government do not appear to have been pleased to accept it. Your Petitioners humbly submit that it is

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impossible to make out a stronger case than herein for such withdrawal, failing redress of acknowledged grievances.[42]

Appended to the petition were opinions of eminent members of the bar and other Europeans of note in the Colony that Gandhiji had collected. Mr. Laughton's opinion ran:

> I regard the Dealers' Licences Act as a very discreditable and dishonest piece of legislation. Dishonest and discreditable because no secret was made that it was intended to apply to Indians and to them alone.
>
> The effect of the Act is to place in the hands of the declared enemies of Indian traders the power to grant or refuse trade licences; the consequence is as might be expected and we all feel humiliated at what we see, whether we admit it or not.[43]

Mr. O'Hea, Secretary of the Colonial Patriotic Union, the avowed object of which was to prevent the influx of Asiatics, said: "I do not think that this law is being administered in accordance with the spirit of the legislature."

Messrs Renaud and Robinson, after pointing out some of the glaring anomalies in the Act which needed to be removed observed: "To our mind the principal defect in the present Act is that, no appeal being allowed from the Town Council's decision, injustice has been done and is likely to be done to applicants for licences."[44] They recommended that the Licensing Officer should be appointed from outside the permanent staff of the Town Councils or the Local Boards, as the case might be; there should be appeal from his decision to the Town Council and from their's to the Supreme Court, and compensation should be awarded to landlords who by reason of the operation of the Act had lost their tenants.

The Indians also sent a petition to Lord Curzon, the new Viceroy of India, on the same lines as their memorial of December 21, 1898 to Chamberlain, that had been sent with a covering letter on January 11, 1899, a copy of which they enclosed with it.[45]

On February 17, 1899 the Governor of Natal forwarded to Chamberlain the Natal Ministers' Minute on the Indian Memorial. In the course of it they maintained that, having regard to all the circumstances, 'little fault' could be found "with the manner in which the Act has so far been administered", but were forced to admit that, so far as the Dundee case was concerned, the Town Board's action could possibly be held to "infringe in some reason the rights of applicants". The admission was coupled with the assurance that, in the event of necessity arising, Ministers would issue a warning to the effect that "if it should be found ... that the large powers given by the Act are unduly strained, it may be necessary to introduce further legislation".[46]

On February 23, 1899, Lord George Hamilton, replying to a question in the House of Commons by Sir Seymore King, stated that he had not

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yet seen the memorial which had "only recently reached the Colonial Office", When it could be referred to the India Office, he promised that it would receive 'the fullest consideration' from him in Council.[47] He would also then consider the question whether the Government of India should be asked to suspend emigration to Natal.

"The thing is infamous beyond expression", commented *India,* and asked : "Has Mr. Chamberlain 'Imperial' spirit enough to put a summary end to this disgusting oppression of our 'fellow-subjects' in a British Colony?"[48]

7

On receipt of the Indian Memorial and the Natal Government's minute, on March 27, 1899, Chamberlain sent to Lord George Hamilton for his concurrence the draft of a letter he proposed to send to the Governor of Natal. He also wrote to the Governor of Natal to ask for a statement showing the number of licences held before the passing of the Dealers' Licensing Act and after.[49] From the figures furnished by the Natal Government it was seen that the number of Trading Licences held by the Natal Indians, which before the passing of the Act 18 of 1897 stood at 844, had by the middle of April 1899, been reduced to 683, while in 69 cases renewal of licences had been refused. Hawkers' Licences did not require the occupation of premises or keeping of books. Still they came within the operation of the Licensing Act insofar as the issue of such licences was vested in the Licensing authority without appeal to the Supreme Court. The figure for Hawkers' Licences held by Indians had in the corresponding period come down from 465 to 191, while 17 had been refused renewal of their licences. Eating House Licences were issued by the Corporation and Local Boards under the authority of the Act 22 of 1894 (Sec. 36) and the Law 39 of 1884 (Sec. 6). They did *not* come within the provisions of the Act 18 of 1897, *and any action of the authorities as regards these licences was subject to appeal to the Supreme Court. In actual result, however, this made little difference.* The number of Indians holding Eating House Licences before the passing of the Act 18, 1897 was 49. During the period ending April 15, 1899, it dropped to 28. The number of those to whom licences had been refused was 23. *In Pietermaritzburg out of 20 Eating House Licences held by the Indians* before the passing of the Act 18 of 1897, *18 were refused.* The grand total for licences held by Indians under all the three categories before the passing of the Act 18 of 1897 had stood at 1358. By April 15, 1899, it had come down to 902, the number of Indians to whom renewal of licences under all the three categories was refused being 109.

With these tell-tale figures before him, on May 19, 1899 Chamberlain with Lord George Hamilton's concurrence wrote to the Governor of Natal :

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> I regret to say that from a perusal of the statements of the petition which your Ministers' Minute does not traverse and which may therefore, I assume, be accepted as substantially correct as to facts, I am led to the conclusion that in view of the attitude adopted by certain municipalities, unless an appeal is given from the Town Councils who have the power of refusing licences under the Act No. 18 of 1897, grave injustice is likely to be done to the Asiatic traders.

When the Act in question was submitted for the signification of Her Majesty's pleasure, he continued, he had trusted that the provisions of the Dealers' Licensing Act would not be "harshly enforced to the injury of those already settled in the Colony", and had, therefore, not deemed it proper to advise Her Majesty to interfere with legislation in question. He was aware that the Act itself did not recognise the existence of 'vested rights' and that the Natal Government had "no power to intervene if the powers given by the Act were unduly exercised", but he was bound to point out that the attitude adopted by the Durban and New Castle Town Boards and the Dundee Local Board was 'entirely contrary' to the expectation of Her Majesty's Government that the Act would be administered with 'justice and moderation', and contrary to 'what was understood to be the object of the Act'. He was, therefore, unable to view with satisfaction the position of affairs as it stood.

> ... the powers given by the Act have already been unduly strained, and ... it is highly desirable to secure a more impartial consideration of the rights and interests of Her Majesty's Indian subjects who apply for licences as traders.
>
> I regret that the only means of attaining this end appears to be the enactment of a law amending the Dealer's Licences Act by giving an appeal to the Natal Supreme Court from the decisions of the Town Councils, Town Boards, or Licensing Boards, and I must press your Government to introduce a Bill for that purpose.

He concluded with a threat:

> I have to add that ... if fair and equitable treatment cannot be secured to natives of India resident in the Colony, the Government of India may be reluctantly compelled to suspend the supply of indentured labour to Natal and that it is therefore extremely probable that unless the suggested legislation is enacted further immigration will have to be stopped. In the circumstances I could not but regard such action on the part of the Indian Government as perfectly justifiable and indeed inevitable.[50]

This, being communicated by the Natal Governor to the Natal Government, had the desired effect (see p. 159). But so far as the Indians were concerned the only instructions that Chamberlain gave to the Governor were to inform the Memorialists that "I am in communication with you and with the Government of Natal on the subject of their complaint". They continued to live in suspense.

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8

While the Colonial Office and the Government of Natal were busy sorting out their differences, the Natal Licensing authorities were going ahead with the process of 'weeding out' the Indian traders.

Abdool Rassool, an Indian trader with a large business, owned a wood and iron store at 37, Murchison Street, which represented to him a value of £ 50. But if it had to be sold it would have fetched practically nothing. He was one of the three applicants whose licences were refused by the New Castle Town Council in the beginning of 1898. The Natal Supreme Court had decided that it had no jurisdiction over the Town Council and this decision was upheld by the Privy Council.[51]

In the meantime Abdool Rassool having left the Colony, Abdool Rahim entered on the business, which he was allowed to carry on pending the result of the appeal to the Privy Council. In December 1898, he applied for a licence for the premises in the name of Abdool Rassool which was refused, and Abdool Rahim was given till the end of January to clear his stock. He repeated the application to the Licensing Officer on February 1, 1899. Warned to cease trading, he ignored the warning and continued to trade in defiance of the law. The Acting Magistrate, Mr. Crawford, found him guilty and fined him £ 10.

Abdool Rahim gave notice of appeal against the judgment in the name of Abdool Rassool, whose general power of attorney he held, and refused to close his store.[52] A special meeting of the New Castle Town Council was held to hear the appeal. The Mayor (Councillor Kemp) presided. The reasons given for refusal of the licence were that the Council had already upheld the decision of the Licensing Officer in refusing a licence for 1898 for the same premises and that the applicant had already submitted to the officer's decision in refusing a licence for 1899, in that he had not appealed within the two weeks prescribed, but had obtained an extension of time to dispose of his stock. Notwithstanding this the premises had already been allowed to remain open over 12 months without a licence.

Gandhiji on behalf of the applicant put in affidavits by two European merchants—one of them deposing that the applicant owed him £ 17 and the other that he owed £ 12. Both protested against the decision of the officer. But the Town Council upheld the Licensing Officer's decision.[53] Similar cases were reported from Ladysmith, Verulum, Port Shepstone and Dundee as well.

* * *

In all the above mentioned cases the Licensing Officer had refused the licences first and then the aggrieved party had appealed to the Town Council against that decision and the Town Council had upheld the deci-

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sion of the Licensing Officers. Now came a case where the Licensing Officer had granted the licence but the Town Council cancelled it.

Mr. Forsyth, Licensing Officer of Maritzburg, granted an eating house licence to one K. R. Pillay for 40, Longmarket Street. The presence of such a shop run by Indians would have attracted native customs resulting in loss to European businessmen. One of them, Mr. T. P. O'Meara, appealed to the Town Council against the decision of Licensing Officer.

Summoned to the witness box, the Licensing Officer deposed that he had granted the licence on the ground that the premises conformed with the law.

T. P. O'Meara stated that he had recently erected large properties at the top of Loop Street and the presence of such stores as K. R. Pillay's had so damaged his property that were the licences to be continued he would have to sell out at a loss of £70,000 and leave the locality.

Mr. Tatham, appearing for him, read a petition extensively signed by burgesses, who resided in the particular district affected by the licence in which the 'coolie' shop was described as being 'an eyesore, owing to the dirty habits of the Indians',[54] and the granting of the licence as 'little short of a calamity'. As for the eating-house licence for the premises, that the Corporation had granted in 1897, Mr. Tatham thought that it had been granted 'through an oversight of the Town Office', and an 'intolerable nuisance' it had proved to be. The Sanitary Inspector, however, deposed that "he had nothing against the premises. He had made suggestions from time to time and these had been carried out".[55]

Corporator Bale said the time had come when these stores should be removed or done away with altogether. He moved that the licence end on the 1st of July so as to give the respondent time to get rid of his stock. The Council cancelled the licence.[56]

Referring to the decision in Pillay's case, the *Natal Witness* ominously remarked :

> *The cancellation of Pillay's licence is, we hope, the initial step in the direction of compelling Indian storekeepers to remove into a location.* The trading of these people is almost entirely confined to natives and it will be no hardship on the natives to visit the location ... the natives would learn in time that they can obtain better value for their money by dealing with the European trader and it will be possible for respectable persons to use the footpaths without their sense of smell being offended by the horrible stenches from the filthy dens in which Indians are content to live.[57]

The threat was obvious, the intention clear. All hope seemed extinct for the Indian trader. But just when the prospect seemed to be the darkest a faint ray of light appeared on the horizon. On July 4, 1899 a report appeared in the *Natal Witness* that a letter had been addressed by the

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Principal Under Secretary to Ladysmith Local Board that unless they exercised caution in refusing Indian licences so as not to interfere with vested interests "the Government would be obliged to introduce legislation giving Indians right of appeal from the decision of the Local Boards to the Supreme Court".[58] It was decided, the report went on to say, that "the matter should have full consideration and the Town Clerk was instructed to lay the matter before the Board".

Similar letters, it was learnt, had been addressed to several other Local Boards and Town Councils also, presumably under pressure from the Colonial Office.

This little piece of news revived somewhat the Indian hope that the Imperial Government would not altogether let them down. Accordingly on July 6, 1899, Gandhiji addressed a letter to the Colonial Secretary, Pietermaritzburg, giving details of what had happened at New Castle, Ladysmith, Verulum, Dundee and Port Shepstone. While expressing satisfaction over the warning issued to the several Town Councils and Town Boards, he urged that such an appeal to the Boards was not likely to have a permanent effect 'if at all', and would "still leave the Indian traders in a state of dreadful suspense". The statutory alteration suggested in the Principal Under Secretary's letter to the Local Board "would indeed, in my humble opinion, be only a small measure of justice, but extremely desirable in the interests of the Indian community, already settled in the Colony".[59]

Feeling from their past experience with the Imperial Government that, unless they struck while the iron was hot, all their hopes might be shattered, on July 3, 1899 Abdul Cadir, Camroodeen and 30 other Indian merchants in another appeal to the Governor prayed that the Colonial Officer or the sympathisers should not be 'lulled into the belief' that the letter addressed to the several Local Boards or Town Councils in any way solved the difficulty or removed the anxiety that preyed upon the Indian mind in Natal. These bodies had certain powers under the Act and they were entitled to use these powers in the way it pleased them without let or hindrance. Mere words of censure meant nothing to them.

> Strictly speaking, the letter is unconstitutional, and at best a gratuitous piece of advice which the Local Boards or the Town Councils are in no way bound to follow. Indeed, there is no knowing that it will not be resented by some at least of the more forward municipalities as an unwarranted interference by the Natal Government.[60]

What the petitioners feared even more was that the municipalities might for the time decide to lie low and proceed with the business of 'weeding out', by a 'very gradual process' suggested by the *Times of Natal*, so as not to cause a commotion. In fact this was a certainty. The relief afforded in that case, if any, would be under the circumstances 'merely tempo-

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rary', and "may in the end aggravate the disease instead of removing it". The least that was needed was the alteration in the Act as suggested by the Government.

> For, it is the Act that is really bad and un-British. The powers given thereby are arbitrary, and a gross encroachment upon the elementary rights of citizens in the British territories. The municipalities, so far as we know, never asked for such powers they certainly asked for discretionary powers, but the Act goes much further; it constitutes them their own Supreme Court.[61]

The correspondence with the Colonial Office in this regard was still in progress when the storm, that had long been brewing on the veldt, broke out and the wail of the Indian traders was drowned in the boom of the guns. The warning to the Local Boards did, however, bring the Indians a temporary respite. Nothing more was heard about refusal of licences to Indians till the end of the Boer War.

After the Boer War the struggle was resumed. It resolved itself into three phases. In the first phase the fighting was on the judicial plane. This phase was well in progress when the war broke out. In the second phase the struggle was transferred to the constitutional plane; and in the third and final phase to the plane of 'Satyagraha', or non-violent resistance to what was contrary to law and justice, and even to the principles on which the British Constitution was based, but for which the machinery of law and the constitutional machinery provided no redress. Each successive phase of the fight grew out of and was inclusive of the previous one and served to bring out the contradictions in the current set-up that defeated its professed intentions; the final result being an all-inclusive synthesis in which the various contradictions were resolved and harmonised.

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CHAPTER VIII

'BEACH GROVE VILLA'

1

THE PASSING of the anti-Indian measures threw an additional burden on Gandhiji. On top of his public activity he had now to take up legal work on behalf of the Indian traders whose very existence was threatened by the new legislation. Institution of test cases, preparatory work for the Privy Council appeals, drawing up of memoranda and petitions to the British authorities, correspondence with the officials in South Africa, publicity and propaganda, not to mention the organisational work of the Natal Indian Congress, kept him busy round the clock.

He continued to live in the Beach Grove Villa but his legal work was now carried on in 14, Mercury Lane, opposite the *Natal Mercury* office and printing works, where he had shifted his office after the Demonstration in 1897. Life in Beach Grove Villa was simple. The day began early. Ablutions and prayers over, Gandhiji took a little exercise on the horizontal bars in the backyard. After breakfast he sat in the drawing room facing the Grove—a ten feet wide hedge, that belonged to Harry Escombe's back garden. At a quarter to nine, accompanied by Vincent Lawrence, he would leave for the law courts in West Street, opposite the Central Police Station. Returning home at 5 in the evening, after a wash and refreshments he would peruse the daily papers for a while and then go out with Kasturbai for his evening walk. Vincent Lawrence took out the children, Harilal and Manilal, for their evening constitutional.

Leading Indian merchants and a few Europeans dropped in in the evening and sometimes stayed on for dinner. Among them were missionary evangelists who were out to convert Gandhiji to Christianity. All, including the clerks, dined together at the oblong dining table except Kasturbai, who not infrequently dined separately. The service at the table was in the Western style. On formal occasions Kasturbai, immaculately dressed in Parsi style, played the hostess. The children wore English clothes. A Gujarati Hindu cook was in charge of the kitchen. The menu was strictly vegetarian.

In his impeccable English barrister's dress, and Parsi turban with a tail for headgear, Gandhiji became a familiar figure in the law courts. His reputation as a lawyer stood high. According to Mohammed Aesop Nagdi, a contemporary of Gandhiji, who died in 1960 after the celebration of his

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ninetieth birthday in India, a Durban judge was reported to have said that Gandhiji had appeared in over a hundred cases before him and had lost only one.[1] Even greater was the respect that his probity inspired. At the bar he had a style all his own. Exact in his facts, he never magnified a case for the sake of argument, never bullied or browbeat his opponent's witnesses or tried to take advantage of inadvertent slips. On the contrary, he would rectify them, restate the case with an impartiality that satisfied even the opponent and then proceed in a fair and square manner to show where the flaw in the opponent's argument lay. "He would listen," L. W. Ritch, himself a member of the South African bar, tells us, "with patient attention to his adversary's lengthy arguments, plausible and full of sophistry. He never interrupted or interposed but let the talker talk himself out." He then began his cross examination, and "it rarely took more than two or three leading questions for the hollowness of what he had listened to patiently for perhaps half an hour to be demonstrated. His method was Socratic."[2]

Before accepting a brief he satisfied himself that his client's case rested on a sound moral ground and reserved to himself the freedom to return the brief, if at any stage during the progress of the case he discovered that his client had deceived or hoodwinked him. Every client was warned of this at the outset and engaged his services on that understanding. As an officer of the court which had confidence in him, Polak tells us, he held strongly that he could be no willing party to deception. So strict was he in this respect that there was only one occasion when after having won a case he suspected that his client had betrayed him. He once mentioned that adherence to this principle had cost him several thousand guineas in fees on account of the briefs rejected or returned to the clients.

Once, while he was conducting a case before a magistrate, he found that his client had deceived him. In the witness box, he broke down completely. Instead of trying to rescue him by forensic legerdemain from the mess into which he had got himself, he severely rebuked the client for having brought a false case to him when he knew that he (Gandhiji) never accepted false cases, and cutting short the argument, asked the Magistrate to dismiss the case. "The opposing counsel was astonished", but "the magistrate was pleased." What is more, the client admitted his mistake. "He was not angry with me for having asked the magistrate to decide against him." Nor did his conduct in this case adversely affect his practice for the worse.

> Indeed it made my work easier. I also saw that my devotion to truth enhanced my reputation amongst the members of the profession, and in spite of the handicap of colour I was able in some cases to win even their affection.[3]

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In the course of time he built up such a reputation that no false cases came to him. His strict adherence to this principle led some of his clients to engage two lawyers—one for clear cases, where right and justice were on their side, the other for doubtful ones. So well known was this fact that if in a case a client of his appeared in court with some other counsel than Gandhiji, the judges at once suspected something fishy and started with a presumption against such a client.

Quite a lot of Gandhiji's legal work was undertaken in the interest of his public activity for which he charged no fees beyond the out-of-pocket expenses. Even these very often he met himself. He did not let himself be influenced by the prevailing dictum that 'the lawyer's is a liar's profession', and cannot be successfully practised without having recourse to lying. He refused to resort to untruth in order to win a case or tutor witnesses or encourage them to tell a lie even when he knew that the other side was resorting to both. Nor did he endorse the view, shared by many advocates and their clients, that an advocate's highest and sole duty is to ensure success for his client, irrespective of whether his case is right or not. "In my heart of hearts," he says, "I always wished that I should win only if my client's case was right." Accordingly in fixing his fees he never stipulated that he should be paid more in case his client won.

James W. Godfrey, who joined Gandhiji's office in 1898 as a clerk, accompanied Gandhiji to London on a deputation in 1906 and later became Advocate, Solicitor and Conveyancer, has recorded in a letter he wrote some time before his death in 1965.

> Gandhiji was a brilliant lawyer ... In one session he took 6 appeals for poor Indians, convicted for various petty matters, and the judges upheld all the appeals, and congratulated him on his good work. He earned no money from these appeals. His service of honesty and justice was his only guide in these appeals.
>
> He never encouraged litigation. A settlement was an end he always strove for and I have been present when he brought the opposing parties, whether in civil or criminal cases, together and settled matters out of Court.

Gandhiji at this time used to attend at an Indian hospital run by Dr. L. P. Booth at an Indian Missionary Home from 8 to 9 a.m. as a labour of love. This he did to set an example for others to emulate. Referring to it Mr. Godfrey goes on to say:

> He then made both parties to agree to pay the lawyer's fees and also ... a substantial contribution to the hospitals' fund for which a convenient black box was fixed in the general office. Scores of time did I make these litigants do their duty and I am happy and proud to say they all paid with smiles ... thankful for Mr. Gandhi's brilliant settlement.[4]

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His object in practising being the service of the community, Gandhiji never sued a client for his unpaid fees. This, as he often recalled, had cost him several thousand guineas in unrealised fees. But he never regretted it. Another rule he followed during his professional work was never to conceal his ignorance from his clients or his colleagues. Whenever he felt himself at sea, he advised his client to consult some other counsel, or if he wished to retain him, to let him seek the advice of a senior counsel. His frankness won him his clients' affection and trust and they never grudged paying the senior counsel's fee, whenever consultation with him became necessary.

2

Among Gandhiji's adversaries there were two in particular with whom he had frequent brushes. They were Mr. Greening and the 'youthful' Mr. Tatham. Gandhiji's clients were mostly victims of European oppression and these two, it seems, took particular pleasure in baiting the poor Indians. A typical case was that of Adamji Ismail, a store-keeper in the employ of Dawood Mahommed. On November 12, 1897, he went to the office of one Emil Sander, a European contractor, to ask for the delivery of some goods on his Indian master's behalf. The contractor, after making him wait for some time, told him that he was unable to deliver the goods. Adamji thereupon, under instructions of his master, engaged one S. Stevens to remove the goods. This riled the contractor, who sharply asked him why he had engaged Stevens. An altercation followed in the course of which Sander struck Adamji on his left temple.

Adamji tried to run away, but was stopped by the contractor's clerk, Rivaz, and was again struck. Feeling giddy he fell down on a heap of drain pipes. Parsi Rustomji happening to pass that way, found him lying on the ground unconscious bleeding profusely, took him into his carriage and conveyed him to Dawood Mohammed's store, where he was attended upon by a doctor while still unconscious. For two days after that he was confined to bed and was disabled from returning to his work for ten days. He filed a suit against the European contractor for the recovery of £30 damages.

Gandhiji appeared for Adamji, Mr. Greening for the defendant. In the court Parsi Rustomji and the doctor, who had attended on Adamji, gave corroborative evidence in support of his statement. The contractor admitted having given the Indian a blow in the face but said he had done it 'under provocation'. Plaintiff had called him a 'liar'. He had "only touched him behind the ear with his open hand", and ordered him out of his office after he had talked 'a lot of nonsense'. The Indian had then rushed out, tripped over the kerbstone and fallen on a heap of ear-

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thenware drain pipes. The injuries that he sustained were the result not directly of the assault but of his fall, owing to his own carelessness.

Charles Henry de Rivaz stated that the plaintiff was 'generally rude and he used strong language'.

Holding that there was no doubt as to assault, the Magistrate awarded the plaintiff 10s.[5] as 'nominal' damages—each party to pay his own costs.

Rivaz, having got away scot-free, shortly afterwards brought a suit against Adamji Ismail for £25 damages for 'malicious prosecution'. The counsels on both sides were the same as before—Gandhiji for Adamji Ismail and Greening for Henry de Rivaz.

Claiming that his client was a representative of a family "whose ancestors had taken a prominent part in the wars of Charles V", and that his (the clients's) grandfather was the 'Court Physician to the King of Italy', the counsel for Henry de Rivaz said that in the course of the suit for assault the Indian had made a deposition not only charging Sander with assault, but charging Rivaz with having held him (Adamji) down while Mr. Sander hit him on the head. The court had found his client not guilty. The charge against him was 'without reasonable and probable cause' and was actuated by malice. He claimed £25 in damages for 'malicious prosecution'.

Rivaz, being called into the witness box, said he was standing "at least 15 feet away, half in and half out of Mr. Sander's Office at the time he was alleged to have assaulted the defendant".

Gandhiji: Did he (plaintiff) have any quarrel with the defendant?

Rivaz: One did not quarrel with that sort of individual (laughter).

Gandhiji: Had not his (plaintiff's) friends discussed matters with the defendant?

Rivaz: They had better taste, he hoped, but they could not help thinking about it.

Instead of entering into an argument, Gandhiji produced two European witnesses who testified that "though paragraphs in the newspapers relating to the prosecution for assault had caused considerable ridicule to be cast upon the plaintiff they did not think the plaintiff would be damaged thereby". This was enough to expose Mr. Greening's braggadocio about his client's status. Dismissing the charge of 'malicious prosecution', the Magistrate gave judgement for the defendant.[6]

Such was Gandhiji's concern for the good name of his clients that once he nearly risked his own for the sake of theirs. An action was instituted by Robert Greening against Sheths Omar and Dada Abdulla for the amount of a dishonoured promissory note for £98. As the publicity of the Court's proceedings would have damaged the respondents' reputation, Gandhiji, after satisfying himself that the tort was unintentional, called

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on his client's behalf on Mr. Greening's clerk, Mr. Greening being out. On being told that Mr. Greening claimed Supreme Court costs, Gandhiji refused to admit the claim but promised to pay Supreme Court costs also if it could be shown that Mr. Greening was entitled to them. This satisfied Mr. Greening's clerk who wired Mr. Greening's agent at Pietermaritzburg to withdraw the action and the action was accordingly withdrawn.

The claim for Supreme Court costs had been brought up by Mr. Greening only to blackmail the Indian traders, or by proxy their counsel. This would have meant another seven or ten pounds. But he had reckoned without his host. Under the rules of the Supreme Court all claims for below £ 100 fell within a Magistrate's jurisdiction. The question of Supreme Court costs, therefore, did not arise. Gandhiji refused to pay blackmail. Mr. Tatham, thinking that at last he had his rival on the hip, instructed by Mr. Greening, filed an application before the Supreme Court "for compelling the respondents to pay the amount of dishonoured promissory note and the costs of action", or otherwise "to order Mr. Gandhi ... to pay the costs". Mr. Cameron on behalf of the respondents opposing the application, characterised it as 'a piece of out-and-out sharp practice' and an attempt to "blacken the character of another member of the profession" on Mr. Greening's part, who after the matter was settled out of court, had tried to make Supreme Court costs. His Lordship dismissed Mr. Tatham's application with costs.[7] Thus was 'the engineer hoist with his own petard'.

One of the trio that constituted the anti-Indian combine at the time of the 1894 election, Mr. Tatham had acquired an unsavoury reputation for biting the hand that fed him (see *The Early Phase*, pp. 411, 419-20). Having been returned to the Natal Assembly by the Indian vote, he had repaid his debt by pressing for the disfranchisement of the Indians during the debate on the Franchise Amendment Bill of 1895. Their indignant protest against his conduct had only added to his rancour. And since men often hate those most whom they have most wronged, he missed no opportunity thereafter to insult them. In one of his speeches at Sanford Hill he referred to Moosa Hajee Adam, a wealthy client of his and a highly respected member of the Indian business community, as 'Mr. Moosa Somebody'. Disgusted, Moosa Haji Adam exposed Tatham's churlishness in a restrained, but for that very reason devastating, letter in the columns of the *Natal Mercury*. "It is proper that the public should know that Mr. Tatham is perfectly acquainted with my name, having had dealings with my firm involving thousands of pounds during the past six months, during which time hardly a day passed but I was pestered by him or his agents to give him orders."[8]

Still another occasion for an encounter with Mr. Tatham arose at a meeting of creditors in the insolvent estate of an Indian merchant, Rassool Hoosen. After provisional sequestration the insolvent had tried to get all the creditors to accept a 'full' settlement by a composition of 5s. to be

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paid by another Indian merchant, Dawood Hussein, in monthly instalments spread over a period of one year. The estate in liquidation had considerable assets in stock, and properties both in Durban and Johannesburg, besides book debts. Mr. Tatham, however, moved that the trustees be permitted to sell the assets by private contracts, or otherwise. If this had been allowed the bulk of the assets would have gone for a song. To avoid it, Gandhiji moved that the trustees be empowered to sell the business as a going concern. The amendment being put to the meeting was carried. Gandhiji then moved that the remaining related matters be taken up at a special meeting which would be called.

Mr. Tatham, however, pressed that they should deal with all the matters there and then and have the estate wound up. Four or five firms voted for Mr. Tatham's motion. But the Magistrate declared that Gandhiji's motion was carried 'as he represented the greatest amount of credit'.

It was on this occasion that Mr. Tatham in his discomfiture blurted out: "Gandhi's supreme ... The triumph of black over white again."[9] (See *The Early Phase*, p. 448).

3

In arguing a brief Gandhiji never tried to hide a flaw in his client's case, but candidly admitted it at the outset and then sought a remedy in law. This sometimes put his courage to a severe test. Once in a prolonged and highly complicated case of accounts in which Gandhiji was junior counsel for his client, the book-keeping portion of it was entrusted by the court to the arbitration of some qualified accountants. After the award, which was entirely in favour of his client, had been given Gandhiji discovered that the arbitrators had inadvertently entered on the credit side an item which ought to have been on the debit side. The senior counsel was of the opinion that they were not bound to admit the error. If the error was admitted, the court might not confirm the award and the case would have to be fought over again. This would involve their client into no end of expense once again with no certainty as to the ultimate result. "At any rate," said he, "I would be the last person to take such a risk."

But Gandhiji was of the opinion that the error ought to be admitted irrespective of the consequence. Where was the guarantee that the court would uphold the wrong award if the client's counsel did not admit the error, he asked with relentless logic. Besides, where was the harm if the admission were to bring the client to grief?

"But why should we make the admission at all?" the senior counsel persisted.

"Where is the surety of the court not detecting the error or our opponent not discovering it?" rejoined Gandhiji.

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"Well then, you argue the case," said the senior counsel finally. "I won't argue it on your terms."

Gandhiji said he was prepared to do so if their client was willing. He looked at the client, who had been closely following the argument. The client was embarrassed, but something in Gandhiji infected him with Gandhiji's faith. Mustering up all his courage he said, "Well, you will then argue the case and admit the error. Let us lose, if that is to be our lot. God defend the right."

Gandhiji was delighted. "The senior counsel pitied me for my obduracy but congratulated me all the same."

In the court, as soon as Gandhiji referred to the error in the accounts, one of the judges said: "Is not this sharp practice, Mr. Gandhi?"

"Is a voluntary admission of an error to the disadvantage of my client to be construed as 'sharp practice'? I am surprised that your Lordship should suspect sharp practice without hearing me out," Gandhiji protested.

Judge: "No question of a charge, it was only a suggestion."

Gandhiji: "The suggestion here, it seems to me, amounts to a charge. Pray hear me out and then arraign me if there is any occasion for it."

Judge: "I am sorry I interrupted you. Pray go on with your explanation of the discrepancy."

Thanks to the judge having raised the question, it riveted the court's attention on Gandhiji's argument from the very start. The court gave him a patient hearing and he was able to convince the judges that the discrepancy was due entirely to inadvertence. They, therefore, did not feel disposed to cancel the whole award.

The opposing counsel had thought that Gandhiji having admitted the error it was now his chance. He pressed the court to cancel the award. But the judge, who had begun with a suspicion against Gandhiji, now came round definitely to his side. He put his foot down.

"Supposing Mr. Gandhi had not admitted the error, what would you have done?" he asked.

The counsel protested that they had engaged the very best accountants. They could do no more.

"The court must presume that you knew your case best," said the judge. "If you cannot point out anything beyond the slip, which any expert accountant is liable to commit, the court will be loath to compel the parties to go in for fresh litigation and fresh expenses because of a patent mistake." With that he overruled the counsel's objections and confirmed the award.

"I was delighted," records Gandhiji. "So were my client and senior counsel; and I was confirmed in my conviction that it was not impossible to practise law without compromising truth."

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Illustrative of Gandhiji's relations with his clients was a case in which Parsi Rustomji was involved. More than a client, Parsi Rustomji was a valued co-worker. Such was his faith in Gandhiji that he sought his advice even in his private and domestic matters and took nature-cure treatment at his hands when he fell ill. He called Gandhiji 'Bhai' (brother).

Rustomji used to import goods from Calcutta and Bombay and, being on the best of terms with the Customs officials, could not resist the temptation common to his class, of making easy money by evading payment of the customs duty. He never told Gandhiji of this, though it had gone on for a long time. But the day of reckoning arrived at last. He was caught.

Charged with smuggling and threatened with prosecution, he came running to Gandhiji, tears rolling down his cheeks, and told him that he had got into a scrape: "Bhai, I have deceived you. My guilt has been discovered ... I am doomed. I shall be prosecuted for smuggling and sent to jail ... You alone can save me."

Gandhiji tried to console him, saying that to save or not to save him was in God's hands alone; so far as he was concerned, he could only try but the only way he knew was that of confession.

"Is not my confession before you enough?" said Parsi Rustomji taken aback.

"You have not wronged me but Government," Gandhiji replied. "How will the confession made before me avail you?"

"I will do just as you advise, but will you not consult with my old counsel ... ? He is a friend too," Rustomji entreated.

Taking Rustomji with him, Gandhiji went to the old counsel. He said there was little chance of a Natal jury acquitting an Indian. Still he would not give up hope.

But Parsi Rustomji decided to follow Gandhiji's advice instead.

Back at Rustomji's shop, Gandhiji explained to him his view of the case. It rested with the Customs official whether to prosecute or not to prosecute, and the Customs official in his turn would be guided by the advice of the Attorney-General. If Parsi Rustomji was prepared to make a clean breast of the whole matter and pay any penalty that they might fix, he would see the Customs official and the Attorney-General and try his best to make them refrain from taking the matter to the court. To brace his friend against all eventualities, however, he added:

> The odds are that they will be agreeable. But even if they are not, you must be prepared to go to jail ... Shame lies not so much in going to jail as in committing the offence. The deed of shame has already been done. Imprisonment you should regard as a penance. The real penance lies in resolving never to smuggle again.[10]

This was a stunner even for the stout-hearted Parsi Rustomji. His

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name and fame and whole edifice of business, which he had so painstakingly reared, were at stake. For a moment his courage failed him. But presently he rallied, and said: "I have told you ... I am entirely in your hands. You may do just as you like."

Gandhiji went to the Customs official, apprised him of the whole affair, offered to place all the books at his disposal and told him how penitent his Parsi friend was.

The Customs official melted. "I like the old Parsi," he said. "I am sorry he has made a fool of himself." But as Gandhiji knew, he added, he was bound to be guided by the Attorney-General. Gandhiji should go and persuade him.

"But you must agree not to insist on dragging the matter to the court," Gandhiji urged.

The Customs official agreed.

Gandhiji next saw the Attorney-General and convinced him that nothing had been kept back. The result was that the case was compromised. Parsi Rustomji agreed to pay as penalty double the amount that he had confessed to having smuggled. It was on one such occasion, Gandhiji later recalled, that his persistence extorted from the Attorney-General the remark, "I see, you never take 'no' for an answer!"

The denouement was yet to come. Parsi Rustomji reduced to writing the facts of the case, got the paper framed and hung it up in his office "to serve as a perpetual reminder to his heirs and fellow merchants".

Parsi Rustomji and his son, Sohrab Rustomji, both became Gandhiji's staunch followers in his Satyagraha struggle. So did Sheths Kachalia, Abdul Kader and Abdul Gani; Ratanshi Sodha, and his brave wife, Rambhabai; Baddri and Lutavan—ex-indentured labourers. They were all Gandhiji's clients before they became staunch Satyagrahis.

Practice of his profession provided Gandhiji with fresh opportunities for the application of the ethical principles on which his life was based and refining the practice thereof. It brought him into intimate contact with men of all sorts and conditions and kindled in them the spark of faith and an implicit trust in his leadership. This, as he afterwards put it, laid the foundation of his future work in South Africa: "The large-hearted Indians magnified into service professional work done for money, and when I advised them to suffer the hardships of imprisonment for the sake of their rights, many of them cheerfully accepted the advice, not so much because they had reasoned out the correctness of the course, as because of their confidence in and affection for me."[11]

4

Most of Gandhiji's professional work was chamber work, conveyancing

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and arbitration. The income must have been considerable. For, after meeting the expenses of running a fairly numerous household, consisting of himself, his wife and three children not to mention clerks to whom, as members of his 'wider family', he provided board and lodging free; the expenses of the education of his children, and other incidental expenses, he was able by 1902 to remit to his brother out of his professional earnings, sixty thousand rupees[12] as his contribution to their joint family's till.

To effect these savings Gandhiji had to exercise rigorous economy. But the monetary aspect was not what weighed with him most. Immersed as he was in his legal practice, his profession was to him only ancillary to the service of his community, which in its turn he had taken up as a part of his striving for self-realisation. The inwardness of it continued to grow upon him and more and more was his mind occupied with things of the spirit. Reading Tolstoy's writings had given a definite social colouring to his religious thought. He began radically to simplify his life. He had taken much care in furnishing his Villa at Beach Grove. But it no longer had any hold on him. The laundry bills were heavy. To have a collar or a shirt washed cost nearly as much as to get a new one made. The collar had to be changed every day and the shirt at least on alternate days. The washerman was exasperatingly irregular in his service. In the circumstances even two or three dozen collars and shirts would have been insufficient. So, "I equipped myself with a washing outfit ... bought a book on washing, studied the art and taught it also to my wife."

He began to wash his own shirts and even to starch his collars—sometimes with romantic results. Afraid of burning the collars, he would not heat the iron enough or press the collar sufficiently with the result that unset starch peeled off. In hot weather it melted and ran down his neck in a sticky trickle. His brother lawyers laughed at him but he revelled in his freedom from eternal dependence on the washerman. "Even in those days I had made myself impervious to ridicule," he tells us. Besides where was the harm if his experiments in self-help, while benefiting him, provided them with a little innocent fun. He could not make his friends understand 'the beauty of self-help', but he persevered. "In course of time I became an expert ... and my washing was by no means inferior to laundry washing. My collars were no less stiff or shiny than others'".[13] In later years he prided himself among other things on being an expert washerman!

He dealt similarly with other challenges of a like nature that confronted him. Once in Pretoria he went to an English hair-cutter. The white barber disdained to touch a 'coolie's' head. "I certainly felt hurt, but immediately purchased a pair of clippers and cut my hair before the mirror." The front hair was done more or less tolerably well but the back was all rungs and ladders. His friends in the court shook with laughter, when next day he appeared there with his 'do-it-yourself' performance.

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"What's wrong with your hair, Gandhi? Rats have been at it?" they rallied him.

"No," he replied unconcernedly, "the white barber would not condescend to touch my black hair, so I preferred to cut it myself."

Their frivolity evaporated. They saw the grim reality behind his dignified nonchalance in what must have been a very painful experience. He had felt deeply hurt. But instead of allowing futile anger to poison his heart, he used it to turn the searchlight inward.

> The barber was not at fault in having refused to cut my hair. There was every chance of his losing his custom, if he should serve black men. We do not allow our barbers to serve our untouchable brethren. I got the reward of this in South Aftrica, not once, but many times, and the conviction that it was the punishment for our own sins saved me from becoming angry.[14]

Helped by the teachings of Shrimad Rajchandra and the study of Tolstoy's writings, Gandhiji had already solved for himself the question of 'one true religion' that had for long exercised his mind. The pursuit of his quest had led him to the glorious discovery that all religions are in essence one and lead to the same goal. They have, therefore, an equal validity for their votaries and are entitled to the equal respect of all. He made a practice of equal respect for all religions a part and parcel of his life, converting his house, like his father, into a microcosm of all faiths. Included in his household were M. H. Nazar, and R. K. Khan, the Muslim Bar-at-Law, who had come and settled to practise in the Natal Bar in 1898. Then, there were his Christian 'Confidential Clerk' Vincent Lawrence, and Joseph Royeppan, the son of freed indentured parents, whom he had put in charge of the office of the Natal Indian Congress. Later Gandhiji took under his wing two Englishmen from Johannesburg. Both of them were Theosophists. These friends often caused Gandhiji's wife bitter tears. One of them was Herbert Kitchin, nephew of the Dean of Durban, whom we shall meet again in the course of our story. A self-made engineer, he was a versatile genius. Unfortunately he had a weakness for alcohol, which he could never get over. Nicknamed 'the Tiger' for his irascible temperament, in the words of Gandhiji, when he was under the influence of liquor he behaved like a beast.

Gandhiji had stayed in English homes during his student days in England. It had taught him to conform to English ways of living. Here the English friends who became members of his household had to adopt the Indian style in a number of things and they did not always find it easy. It led to a number of difficulties but Gandhiji took them as a challenge and used them as stepping-stones to spiritual progress. "I do remember having had some difficulty in keeping them as members of the family, but I can certainly say that they had no difficulty in making themselves per-

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fectly at home under my roof."[15] His early upbringing in an undivided Hindu joint family had prepared him for it. In the phase of spiritual development through which he was now passing it took on an added dimension.

> I hold that believers, who have to see the same God in others that they see in themselves, must be able to live among all with sufficient detachment. And the ability to live thus can be cultivated, not by fighting shy of unsought opportunities for such contacts, but by hailing them in a spirit of service and withal keeping oneself unaffected by them.[16]

It was all right for the Mahatma-to-be; he had grown into it. Community living became an integral part of his striving for self-realisation. But it went hard with poor Kasturbai who was thrown into it. The brunt of managing this menagerie of a household had to be borne almost entirely by her. Not only had she to conform to her perfectionist husband's exacting standards of housekeeping but she had also to look after the three children all by herself. Gandhiji insisted that she play the ideal hostess to the odd assortment of guests that he had collected under his roof. Temperamentally incapable of making any distinction between relatives and strangers, countrymen and foreigners, white and coloured, Hindus and Indians of other faiths, and subordinates and members of his own family, he insisted on her treating them all as her own kith and kin. Thanks to the Indian tradition of wifely obedience, in which she had been brought up, Kasturbai tried her best to comply with every wish of the tyrant that her husband at that stage of his life was. But sometimes his demands proved too much even for her and this led to unpleasantness between husband and wife. It so happened that one of the Christian clerks was born of Panchama—so-called untouchable—parents. The house was built after the Western model, with no flushes or outlet for dirty water. Each room had therefore to be furnished with a slop basin and a chamber pot. Most of the clerks cleaned their own pots, but this Christian clerk was a newcomer and, Gandhiji held, it was his wife's duty to attend to his bedroom. She did attend sometimes to the pots of others but to be told to handle the pot used by a Panchama! It was the limit. She rebelled against it. What ensued is best described in Gandhiji's own words:

> We fell out. She could not bear the pots being cleaned by me, neither did she like doing it herself ... (With) her eyes red with anger, and pearl drops streaming down her cheeks, as she descended the ladder, pot in hand.

The brute in him was roused. Raising his voice he shouted: "I will not stand this nonsense in this house." Not only had she to submit to every demand of his but submit meekly, even cheerfully.

The words pierced her like an arrow. She shouted back: 'Keep

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> your house to yourself and let me go.' I forgot myself, ... I caught her by the hand, dragged the helpless woman to the gate, which was just opposite the ladder, and proceeded to open it with the intention of pushing her out.[17]

"Have you lost all sense of shame?" she cried, tears running down her cheeks in torrents. "Well, I have not, even if you have ... where am I to go? ... Being your wife, you think I must put up with your cuffs and kicks. Now, for heaven's sake recollect yourself and shut the gate. Let us not be found making scenes like this."

"I put on a brave face, but was really ashamed and shut the gate."

His reflections on the incident a quarter of a century after the event are worth noting. "My wife could not leave me, neither could I leave her. We have had numerous bickerings, but ... the wife, with her matchless powers of endurance, has always been the victor. Today I am ... no longer a blind, infatuated husband, I am no more my wife's teacher. Kasturbai can, if she will, be as unpleasant to me today as I used to be to her before. We are tried friends."[18]

What wrought that transformation, however, is a separate story.

5

Soon after the founding of the Natal Indian Congress, while going out with his companions for enlisting Congress members one day, Gandhiji saw a group of people behind a tree. They were gesticulating to catch his eye but were afraid to come out of their shelter. They were the victims of leprosy, he was told—social outcastes, debarred by social prejudice from mixing with men in society. Gandhiji stopped dead in his stride, forgot the business on which he had come, ignored the protests of his companions and walked to the unfortunate men behind the tree for a heart-to-heart talk. When he returned to his fretting companions, he noticed the frown on their faces and their annoyance over 'unnecessary' waste of time and energy.

Patiently he explained to them that a kindly and solicitous word was the least that he owed to his unfortunate brethren. The Whites were treating the Indian residents in South Africa as outcastes and had ostracised them. They should consider against the background of their own miserable fate, the fate and feelings of those who lived ostracised among people who were themselves ostracised.[19]

Years rolled by, but Gandhiji's passion only grew with the years. He had taken up public activity as a means to self-realisation. The practice of his profession was ancillary to it. He had seized upon the service of the Indian community because the opportunity had come to him unsought and in the normal course. His heart, however, yearned for a more positive

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mode of expression for the passion for service that fired his soul.

While he was thus agitated, one day a leper presented himself at his door. He took him in. Not satisfied with merely providing him with a meal, he cleaned his sores, and began to look after him. He could not afford to keep him indefinitely and had reluctantly to send him to the Government Hospital for indentured labourers.

But he felt ill at ease. Alleviation of the sufferings of lepers, the most despised section of humanity, became the rage of his soul. Later in life he had the satisfaction of taking under his wing a leprosy patient and ministering to him with his own hands. Never did he miss an opportunity of espousing the cause of these unfortunate outcastes of society; and, when as the Father of his people he framed a programme of constructive non-violence for national deliverance, he accorded to the service of the lepers a place of honour in it. They were our responsibility, he said. "There is leprosy because there are moral lepers in our midst." His conception of democracy was all-inclusive. It did not exclude anybody—not 'even the lepers and lunatics'.[20]

Nursing the sick had always been very dear to Gandhiji's heart. It had been the source of the greatest solace to him and some of his most sacred experiences were related to it. It was the one thing in Christian missionary activity that had appealed to him most. He longed for an opportunity for engaging in a more direct humanitarian service—as a nurse in a hospital. Helped by Parsi Rustomji's philanthropy, Dr. Booth, head of the St. Aiden's Mission, had opened a charitable hospital for the poor. Gandhiji made up his mind to volunteer his services as a compounder in the small dispensary attached to it. It needed only two hours daily, including the time taken in coming and going. He managed to find that much time without difficulty. "The work," he says, "brought me peace." It consisted in ascertaining the patients' complaints, laying the facts before the doctors and dispensing the prescriptions. It brought him in touch with suffering Indians and unknown to him prepared him for another task that lay ahead in the chain of events that was ultimately to lead him to the discovery of Satyagraha.

It proved a boon to him personally also. His wife was expecting another baby. Both he and Kasturbai were naturally anxious to have the best of medical aid at the time of the delivery. But a qualified nurse was not so easily found in South Africa those days. Besides, she had to be an Indian. And what if the delivery took place unexpectedly, when neither the nurse nor the doctor was at hand? So he obtained Dr. Tribhuvandas's handbook on midwifery, *Man-ne-Shikhaman*, or 'Advice to a Mother', and learned from it everything pertaining to safe labour.

In 1897 when his third son, Ramdas, was born, he did not have to put his knowledge to the test. But it came in handy at the time of the birth

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of his next and last offspring, Devadas.

The experience of nursing stood him in good stead in the rearing of his children too. He had to engage a nurse but only for two months each time, and that chiefly "for helping my wife, not for taking care of the babies, which I did myself".

Next to service of the sick, education of children was perhaps Gandhiji's greatest passion. He never could subscribe to the theory, which he regarded as a sort of superstition, that a child has nothing to learn during the first five years of his life. "On the contrary the fact is that the child never learns in after life what it does in its first five years. The education of the child begins with conception."[21] Later in life this belief of his found expression in his scheme of 'Basic Education' which covers the entire gamut of a man's life—'from conception to cremation'.

> The physical and mental states of the parents at the moment of conception are reproduced in the baby. Then during the period of pregnancy it continues to be affected by the mother's moods, desires and temperament, as also by her ways of life. After birth the child imitates the parents, and for a considerable number of years entirely depends on them for its growth.[22]

The conclusion he deduced from it was: "The couple, if they realise this, will never have sexual union for the fulfilment of lust, but only when they desire an issue." The self-denial, joyous and joy-giving, that our love can evoke in us is the only criterion and true measure of its genuineness, for it is of the very essence of love that it sublimates all possessiveness and desire; all the rest is solemn humbug.

From his infancy Gandhiji had adored his parents. They had been the focus of his purest thoughts, the source of his deepest inspiration, the object of his loftiest striving. The only way he could repay his debt to them was in his turn to become an ideal parent to his children. It turned his thoughts in the direction of Brahmacharya.

6

The education of his children confronted Gandhiji with a ticklish problem. He had now three sons of his own, besides his sister's son Gokuldas, with him. There were about twenty-five schools in Natal, attended by nearly 2,000 pupils, expressly meant for the education of the children of indentured Indians. The grant given by the Government for these schools was niggardly, ranging from £ 24 to £ 100 per annum, but it took ten years for an Indian school to get the grant raised from £ 24 to £ 50 per annum. In the result only one school in 1899 received a grant of £100.[23] The buildings were shanties of the most primitive type, erected with a few corrugated sheets and a few planks, and devoid of flooring. The

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pupils, being from the poorest Indian class, were ill-clad. The tuition was in keeping with the surroundings.

The teachers were ill-paid and overworked. The amount expended by Government on Indian education averaged 12s. 8d. for each child, while on European education the expenditure for each child was £ 3.19s. 0d.[24] An Indian teacher had to coach up his boys from the alphabet to the fourth standard. A country teacher had to manage between 40 and 60 boys. To aid him in his work he had usually two pupil teachers and sometimes an assistant teacher. In town schools, especially Durban and Maritzburg, a teacher had to manage between 60 and 100 boys,[25] and had on the average one assistant teacher and two to three pupil teachers to help him. In very few cases were there two assistant teachers. The schools were usually divided into seven classes and one teacher, insufficiently assisted, had practically to kill himself in managing the school. For all this he was paid £ 2 to £ 4 per month. The cost of living decently for a single person, if he was careful, was not less than £ 8. Even a labourer could earn more. The teachers were consequently of a poor type. Moved by the teachers' plight, the *Natal Mercury* observed:

> The principle of educating Indian children is not only admitted but is a part of an agreement with the Indian Government and this being the case, it is only just that the Indians who are entrusted with the education of their young kin-folk should be placed in a much better financial position than a waiter or a washerwoman. ... Efficient men cannot be had where the salary is inadequate ... 'Sweating' never pays in education.[26]

The better-off section of the Indian community such as clerks, interpreters and shopkeepers did not, as a result, send their children to these schools. Such of them as could afford to pay the high fees were able, though not without difficulty, to get admission in the general public primary schools. Even this was becoming increasingly difficult. The white colonists had set up an agitation to prevent any Indian children from gaining entrance into public schools so that hardly half a dozen Indian children could get admitted to the public primary schools and that after many difficulties. There was absolutely no provision for the Indian children to go beyond the three R's.

In a bid for cheap popularity the Natal Government decided to entirely shut these schools against the Indian children. Henry Bale, Attorney-General and Minister for Education, was reported in the *Natal Mercury* of May 17, 1899,[27] to have said that "Government was determined to exclude coloured children from schools except such as were there prior to Government taking office". The Headmaster of a Durban school, he further said, had written to him that parents would withdraw their children if an Indian was admitted.[28]

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This was not altogether a new move. As early as April 1875, several St. Helena children were expelled from the Government school of Durban by a Mr. Brooks. A protest lodged by the St. Helena fraternity to the then Governor, Sir Napier Brown, proving of no avail, the coloured community petitioned Her Majesty's Government, through Lord Carnarvon, the Secretary of State for the Colonies. He immediately instituted an enquiry against such a 'wicked' action and instructed Sir Henry Bulwer, the Governor designate of Natal, prior to his departure from England, that upon his arrival in Natal one of his first duties would be to see that redress was given to St. Helena children, and they were restored to school immediately. Ordered by Sir Henry Bulwer to report to him within a fortnight and explain his conduct in regard to the expulsion of the St. Helena children, Mr. Brooks on the last day sent the report, but overwhelmed by the injustice that he had been guilty of, committed suicide by swallowing arsenic. Sir Henry Bulwer had no hesitation in pronouncing his verdict on the case and St. Helena children were then and there restored to school.[29]

But Natal was now a self-governing Colony and in place of Lord Carnarvon and Sir Henry Bulwer they had Chamberlain and Sir Walter Hely-Hutchinson. That made all the difference.

The coloured community lodged an indignant protest. In a letter to Henry Bale, the Minister of Education, Mr. John Stapley, on behalf of the coloured fraternity of Natal, asked (a) whether the Ministry took responsibility for the course indicated by Mr. Bale in replying to the Governor's speech, (b) whether such exclusion was a statutory law, and (c) whether such a law was not an infraction of the Constitution of the Colony.[30] Partly as a result of this and partly as a sop to their own conscience, the Government declared that they deemed "advisable...to establish, where practicable, schools for coloured children". [31] On May 23, 1899, the Minister of Education stated that 'the interest of existing schools' required 'the exercise of great care' in respect of the admission of coloured children and that the Government would "carefully avoid any violation of law in connection with this or any other matter".[32]

This was adding insult to injury and drew from John Stapley a notice of direct action. "I am ... authorised to say that *any attempt* made by the Ministry *to exclude coloured children from Government schools will be resisted by the coloured fraternity. And recourse to that defence will be conducted across the line*, exposing the action of the Government, similarly to that which attended our success upon a similar issue in 1877."[33]

In a petition dated July 3, 1899, to Sir Walter Hely-Hutchinson, John Stapley prayed that his Excellency after the precedent set by his predecessor, Sir Henry Bulwer, would exercise his prerogative against Mr. Bale's declaration.[34]

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The publication of the Stapley correspondence in the Natal Press in March 1900 led to a prolonged public controversy. Illustrative of the opinion of the white lunatic fringe was a letter that appeared in the *Natal Advertiser*. The writer defended the segregationist policy of the Government thus: "Don't we separate white dogs from the black dogs, our white pigs from the black ones and our white monkeys from our black monkeys, or, if we don't do it ourselves, don't the white dogs, the white pigs and white monkeys keep aloof from the black dogs and black pigs and black monkeys? It is but natural, it should be so. And why should not the same be done with respect to poor innocent children?" As for Christ's saying, "Suffer little children to come unto me, and forbid them not, for of such is the Kingdom of Heaven", these words, the writer asserted, were "only addressed to white children! *The Bible is only for the coloured people to set them right on the day of general judgment. Heaven is for the whites only where colour dare not enter.*"[35]

Another correspondent, writing in the *Natal Mercury*, conceded that "there may be, I dare say there are, 'coloured children' who could be set up as an example to some of the white children", but this, he maintained, did not affect the general results of allowing coloured children to mix with the white children in schools. "I never pass a coloured man escorting a white woman or *vice versa* without asking myself the question: When a white woman marries a coloured man, does she think of the chocolate-coloured children she is liable to bring into the world? ... Will she have any reason for complaint if, when these children grow up, they curse their mother?" Anticipating Dr. Malan's 'Immorality Act' by half a century, he concluded: "I say a woman that curses her children before they are born is no woman at all ... a law should be made to prevent such as these from marrying black men."[36]

There were, however, some Christian men in the Colony who refused to succumb to the rabid colour prejudice. One of them, 'Christian B', suggested that since as a rule Government schools in all countries were maintained from funds derived from the general revenues it was for those parents in Natal who objected to their sons being educated in the same schools as coloured children to resort to private institutions if they chose.[37]

Under the educational policy of the Natal Government a child born of prostitution, where one parent was European, was admissible to the Government school. It was the full-blooded Indian alone who had the badge of excommunication stamped on him. If, however, a parent was ready to repudiate his Indian nationality, he could send his children to public schools. This exposed the hollowness of the Government's argument that exclusion of the coloured children had been rendered necessary by the uncompromising attitude of the European parents who would not permit their children mixing with coloured children, and showed that it was not the colour but the In-

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dian nationality that was the crux of the matter.

In an incisive article in *The Times of India* Gandhiji pointed out how dissatisfaction over the latest move on the part of the Natal Government was felt by none more keenly than the Indian converts to Christianity of whom there were a large number. They had been taught by their religious teachers to set high store by Western culture and the doctrine of equality on which it prided itself. "They were told, Sunday after Sunday, that their Great Master knew no distinction between a Jew and a Gentile, a European or an Asiatic. Small wonder, then, if they feel keenly the disabilities that were sought to be imposed on them in the educational line." The Minister of Education who was supposed to be a man of conscience, Gandhiji went on to say, had been "telling the inquisitive members of the Natal Parliament that his Government have been the first to close the doors of the Government schools against the Indians". Therefore, a simple appeal to him to do justice could have absolutely no effect. "And all (this) for the sake of a few miserable votes. ... The Ministers do not—dare not—do what is right, lest their doing so may jeopardise their position at the next general election."[38] It was up to the Colonial Office, he suggested to friends and sympathisers in England and India, to tell the local Government "that the Indians had an equal right with the Europeans in the Colony to receive education in the Government schools which are supported by taxes paid as well by the Indians as by the Europeans".[39]

7

To satisfy the claim of some of the Indian applicants for admission of their children to the public primary schools a Bill was introduced in June 1899 in the Natal Parliament to earmark a fund for starting schools for Indian children separately. It was opposed by Mr. Palmer who thought it undesirable that "so large an increase should be made in the money voted for the education of Indians". Mr. Payne had declared amid cheers on the occasion of the opening of the Diamond Jubilee Library that he had heard a lot about race distinctions, but as Mayor of Durban he knew none. Even he wanted this item struck out.[40] Instead it was suggested that Indians should be included in the coloured group. Said Mr. Payne:

> Indians who came here had the right of leaving the Colony. There were thirteen blacks (?) to every white in Natal, and yet Parliament was voting money to educate the blacks to oust Europeans.[41]

Sir Albert Hime, who on June 9, 1899, succeeded Mr. Binns as Prime Minister, and Mr. Bale, however, stuck out and gave an assurance that the school would be reserved for Indian children only. As a result a number of 'higher grade' Indian schools were opened. Although manned by

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a staff of European teachers they were hardly comparable to other primary schools run exclusively for Europeans.

In the result a respected Indian Mission school master like Mr. Godfrey could not get all his children educated in the best possible way. All his children but one had been educated in the Government schools. He had sent his eldest son to Calcutta for a university training and then sent him to Glasgow to study medicine. His second son had been the first successful Indian in the competitive examination for the Civil Service of the Colony. But he could not get his youngest daughter admitted to the Government primary school, and in spite of his best efforts, was prevented from getting his third son, a promising lad, admitted to Durban High School in spite of the fact that his family had been living in the European style and all the children had been brought up from their infancy to speak English which they naturally did very well.

The life of the Indian community in South Africa, desperately struggling for its survival, turned upon what would at first sight appear as trifles. On educational facilities for its children rested its future status and in the case of the trader class its very existence. The few Indian Higher Grade Schools that the Government had established for them consequently assumed an importance all their own, and commonplace occasions like the annual prize distribution and midsummer breaking-up functions related to them became important events in the life of the community, which claimed the time and attention not only of the Indian leaders but of exalted personages like the Mayor of Durban and His Excellency the Governor also. On December 8, 1900, the cream of the Indian business community was present at the midsummer breaking-up function of the Durban Higher Grade Indian School in Grey Street. Parsi Rustomji provided a feast for the pupils. Praising Mr. Connolly, the Headmaster, who, assisted by his wife and brother, 'had made the school his own', Gandhiji appealed for "a portable set of single and double bars and sets of dumbells", which could be procured "for very little expense", to be installed in the gymnasium to "compensate in a measure for the want of a suitable playground". The same afternoon he attended the breaking-up and prize distribution ceremonies of the N.G.R. (Natal Government Railway) school for the Indians. Founded twenty years before, it had become the largest Indian school in the Colony. Regretting the absence of Dean Booth—its former Manager—Canon Johnson, the Chairman, said that it was "the first time that there had been such a representative gathering of the Indians" on an occasion like that.

Gandhiji's appeal for 'a portable set of double bars and a set of dumbells' for the Durban Higher Grade Indian School must have evoked poor response. For in the following year, at its third annual prize distribution, we again find him, while moving a vote of thanks to His Excellency the

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Governor who made the presentation of the prizes, expressing the hope that "the Government would let them have gymnasium and singing classes they had promised", and also "grant a girls' school on the model of the Indian Higher Grade School".[42]

With all this in the next two years the condition of educational facilities for the Indians had deteriorated so much that Gandhiji had to make it the subject of a separate representation to the Home Government.

8

If he had wished, Gandhiji could have sent his children to schools for European children as an exception, or a matter of special favour. He was a prominent member of the Natal Bar and leader of the Indian community. But he refused to avail himself of a privilege that was denied to most of his countrymen in the Colony. Similarly, he decided against sending his children to schools established by Christian Missionaries at Lovedale and Fort Hare. For one thing he did not like his children to be educated in an institution where the medium of instruction could only be either English or dog-Tamil and worse Hindi. Even this could have been arranged with difficulty. He, therefore, decided to educate them at home. His wife had not even mastered the three R's, and he himself could not teach them regularly. So he advertised for and engaged an English governess on £ 7 a month who would teach the children under his instructions. It did not satisfy him. He wanted his children to learn their mother tongue, and a teacher to teach them Gujarati was nowhere to be found in Natal. He was disinclined to send them to India to be educated, as he did not wish them to be deprived of the education that children imbibe naturally in a well-ordered household. He had to be content with whatever knowledge of the mother tongue they could pick up from conversation with their parents, which was strictly in Gujarati, and from his co-workers.

Later Gandhiji did send his nephew, Gokuldas, and his eldest son, Harilal, to be educated at residential schools in India. Unluckily the nephew died after a brief illness shortly afterwards. Harilal joined a High School at Ahmedabad. The other three children were brought up entirely at home. Deprived of the benefit of a formal education, they all made good in life, each according to his inborn capacity. At one stage they were disgruntled with their lot and envied those who had received what they had been denied. Two of them told me that their father had been less than fair to them and had used them as guinea-pigs in his educational and other experiments with life. But in the course of time they completely shed that feeling and learnt to appreciate the worth of what they had received in place of the tinsel they had missed. From my association with three of them as an inmate of the Ashram and as a comrade in our freedom struggle for over

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twenty-five years, I dare say that in all things that really matter, they were in no way behind graduates from universities. What they lacked in superficial book knowledge and such trimmings as university education imparts. was more than made up for in more solid qualities—knowledge of men, judgement, capacity for organisation and action, a keen sense of self-respect, spirit of independence and love for the motherland.

In the great Satyagraha struggle in South Africa and later in the non-violent struggle for Independence in India, their record was second to none. As that struggle unfolded, they saw clearly that, if their father had allowed himself to make a distinction between them and the children of others, he would not have been able to command the spontaneous and willing allegiance, even unto death, of those countless freedom fighters who fought and sacrificed for the deliverance from bondage first of their despised, oppressed compartriots in South Africa and then of the motherland itself. It filled them with supreme satisfaction and pride that their training had enabled them to realise the full potential of their capabilities and achieve what they had achieved in life without any artificial props.

To regard with an equal eye all mankind as children of the same Father was an integral part of Gandhiji's pursuit of an ideal that all great teachers and prophets of the world have proclaimed, and exemplified in their lives, but which we in our worldly wisdom try disingenuously to explain away. Gandhiji held it to be self-evident that true love can never require us to sin against the Commandment that enjoins equal love for all. Therefore, he concluded, he could not truly love his children by discriminating against and loving less those whom he had made his own and who had an equal claim on his love.

We give to those we love what we treasure best ourselves. Nothing could be more precious to the Indian community in South Africa at this juncture than its self-respect. This their leader could not have inculcated on them if he had compromised on it in his own case. To quote Gandhiji :

> Had I been without a sense of self-respect and satisfied myself with having for my children the education that other children could not get, I should have deprived them of the object lesson in liberty and self-respect that I gave them at the cost of the literary training. And where a choice has to be made between liberty and learning, who will not say that the former has to be preferred a thousand times to the latter?

Nor could he have delivered to the youth of India, if he had not lived it himself, the message that brought us our deliverance that "it was far better to remain unlettered and break stones for the sake of liberty than to go in for a literary education in the chains of slaves".[43]

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CHAPTER IX

GROWING PAINS

1

THE NATAL Indian Congress, which Gandhiji had brought into existence, had now grown into a lusty child. During the last three years, it had distributed 20,000 pamphlets, besides copies of memorials and letters. It had kept watch on anti-Indian measures and inundated both the Home and the Indian Governments with representations, memorials and petitions to oppose them. And they were successful in so far as the principle of colour legislation was concerned. The Home Government had admitted the argument against imposing special disabilities on Indians as such. It transferred the struggle from the plane of abstract principle to preventing administrative abuse of the legislation that had been passed, while seeking its repeal. This called for constant effort, unceasing watchfulness, unbreakable union amongst themselves, a large measure of self-sacrifice, and cultivation of 'all these qualities that ennoble a nation'. Above all, they had to have the invincible faith that victory must be theirs, for their cause had been universally regarded as just, and their method moderate and without reproach.

Among the more notable gains secured by the Natal Indian Congress were (a) the repeal of the anti-Indian regulations for the township of Nondweni and Zululand (see *The Early Phase*, p. 542), (b) the repeal of the first Franchise Act which especially applied to the Indians, (c) the non-acceptance of the anti-Asiatic clause in the Commando Treaty and the Servants' Act, (d) Chamberlain's famous despatch in reply to the Transvaal Memorial entirely sympathising with the Indians and, (e) the marked improvement in the tone of the Press in Natal.

After the initial spurt of enthusiasm, however, the spirit that fired the Natal Indian Congress had suffered a marked decline. Within three months of Gandhiji's departure to India in June 1896 the confident hope that had at one time been entertained that they should have a fund amounting to £ 5000 had vanished into thin air and instead the Congress was now burdened with a liability of three to four hundred pounds. The subscriptions in many of its outlying branches had become overdue, and as a result the number of effective members had progressively shrunk, from 300 to only 37. In other words, there were only 37 who had paid their subscriptions up-to-date. "The outlook ... is gloomy so far as the internal work of the Congress is concerned," ran the second report of the Natal Indian Congress ending

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October 11, 1899. "Members do not display half the enthusiasm they displayed in 1895-1896." The decline was partly due to the serious political troubles that the Indians, the merchant community particularly, were passing through. But not the least reason for this was also the petty rivalries and bickerings that had broken out among the members themselves.

On his return Gandhiji, by turning to account the awakening caused by the anti-Indian Bills and the Point Demonstration, had launched an effective appeal for membership and funds for the Natal Indian Congress, which now stood at £ 5000. During his absence Sheth Adamji Miyankhan had held the post of the Honorary Secretary of the Congress and had discharged with credit the responsibility that had rested upon his shoulders. By dint of devotion and hard work he had added £ 1000 to its coffers. It was now time for him to go to India. But at a special meeting held to consider the advisability of giving him a fitting send-off, with an address in appreciation of his services, opinion was found to be divided and the proposal to present him an address was carried only by a narrow majority. Gandhiji who had resumed charge from the departing Secretary, while deploring the strong opposition, decided against proceeding with the address, and Adamji Miyankhan left for India 'unthanked and unhonoured'.

To make up for what he considered to be a slip on the part of the Natal Indian Congress, Gandhiji, in his capacity as the Hon. Secretary, held a party in honour of Adamji at his own residence. Printed invitations were issued. All leading Indians attended, and the President, the Honorary Secretary and other members saw him off at the Point. A born democrat, Gandhiji early developed the view that democracy must not mean rule by brute majority but by consent only. More than once in his political career later he voluntarily renounced the gains of a victory scored by a preponderance of votes in favour of victory over the hearts of the opposition and always regarded inert majorities with a deep distrust—as something to be dreaded even more than being in a minority of one. Very characteristic of him was the down-to-earth tribute that he paid to the departing Hon. Secretary in contrast with the florid compliments usual on such occasions:

> During his tenure he convened the meetings regularly, collected the rents properly and kept a very accurate account of all that was spent ... Above all the one quality that is needed in the holder of that post more than any other, namely, calmness of mind under all the irritation from within and without and the ability to put up with the different dispositions of the members, he displayed in abundance.[1]

A little over three decades later, called upon to move a vote of thanks to the British Prime Minister, at the Second Round Table Conference in London, the best compliment that the Mahatma thought fit to pay him was not on his 'statesmanship', or political acumen, but on his 'amazing indus-

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try' and 'time sense'. In these respects, however, he added with a smile and a twinkle, even though past sixty he was prepared to 'cross swords' with him!

An even more significant thing to the credit of Adamji in Gandhiji's eyes was that he had shown that the Congress could now be trusted to go on and take care of its work unassisted from outside. It had come of age.

In August 1898, Abdul Karim Hajee Adam Zaveri, who had to the satisfaction of all the members occupied the Congress Chair ever since his father's departure in 1896, resigned. He declined to reconsider the resignation and Cassim Jeewa was elected in his place. In March 1899 he too resigned, as he wanted to leave the Colony, and Abdul Kadir of Messrs Camroodeen and Company in Grey Street was unanimously elected in his place. Unfortunately Cassim Jeewa was drowned sometime afterwards on his way from Calcutta to Rangoon.

2

A matter of deep personal satisfaction to Gandhiji at this time of stress and strain was Dr. Pranjivan Mehta's visit to Natal in the third quarter of 1897. As the first Indian to visit South Africa to meet his countrymen—to say nothing of the special relation in which he stood to Gandhiji—he was received by the Indian community with a warmth of feeling which took him by surprise. It must have been a heart-warming experience for him to see his protege, whom he had tried to groom in English society manners on his arrival in London as a raw youngster, established as a pillar of the Indian community in distant South Africa. On September 10, in a farewell speech he told his fellow countrymen that the three conditions of their survival as a community in their new environment were solidarity, loyalty to the British Crown and education. They must take care of their backward sections and so treat them as to make them feel that they were an integral part of the community. Then only would they be able to hold their own against the heavy odds facing them. They were there as British subjects. If they remained true to their salt the Crown would not fail to protect them. He hoped they would not concentrate solely on amassing wealth but also enlarge their minds by a liberal education. They must learn the English language in order to establish closer contacts and understanding with those in whose midst they were living. This would be the fittest reply on their part to the challenge of the Immigration Restriction Act. They must cultivate cleanliness, individual and corporate, and make their residences into models of tidiness and elegance, so that no one might be able to point a finger of scorn at them. They would then win the European's respect. Nor must they neglect to acquaint themselves with European customs and manners and adopt such of them as were worthy of adoption. Much of the

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criticism levelled at them was unjustified. But it was up to them to benefit from it by using it to turn the searchlight on their own shortcomings and eradicating them. He asked them to extend their wholehearted support to the Diamond Jubilee Library and the Indian Hospital, as symbols of their progress and instruments of their uplift, and make use of them in the fullest measure. Above all they must remember that honesty, purity and spirit of service were the three pillars on which their future depended. Diligence and spirit of dedicated service were the key to all success. Success would be theirs beyond doubt in the end, if they were inspired by these in whatever they did.

For some time Gandhiji had been suffering from debility and rheumatic inflammation. The rheumatic tendency, it seems, was a family trait, being shared at least by one of the Mahatma's sons. Under Dr. Mehta's treatment it disappeared and Gandhiji was not troubled by it again.

Four years before the Indians had been deaf and blind and mute. Time and again they had let their case go by default. Lack of vigilance had resulted in their ouster from the Orange Free State. In the Transvaal they had been classed as 'aboriginal races of Asia'. In Natal all free Indians had been bracketed with indentured labourers in the matter of right to move about without a pass, although there was no statutory sanction for the disability. But now they had their eyes and ears opened. They had found their tongues. No longer friendless, they had powerful supporters working for them in India and in England—Ranade, Gokhale and Pherozeshah Mehta in India and Dadabhai Naoroji, Bhownaggree, W. W. Hunter, and Lepel Griffin, Wedderburn, Digby and Labistour in England.

A lone individual and a member of a despised race, who had arrived as a briefless barrister with no experience of politics or of public life, Gandhiji had in four brief years transformed the situation in a colour-prejudiced Colony, where the bulk of the Indian labouring population had been reduced almost to the level of farm animals and where every Indian was dubbed 'coolie', irrespective of his attainments or station in life. Thrice had he stalled the carefully laid plans of the white colonists backed by the white Press, the entire Governmental machinery and the powerful support of the Secretary of State for the Colonies. Starting from scratch he had forged a highly efficient political organisation which admittedly outshone any that the white colonists with all their resources could at that time boast of (see *The Early Phase*, p. 489). At a time when public life even among the white colonists was yet in a rudimentary state of development, he had built a solid tradition of public life among his people, who before that had been utter strangers to it. What is more, he had instilled into a community composed of heterogeneous elements a sense of common identity and a common purpose, kindled in them a keen awareness of their rights and taught them to walk with their heads erect as a people proud of their country, and its

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culture and civilisation.

If Gandhiji had been no more than a patriot-politician, it is doubtful whether, with hardly any outstanding scholarly or oratorical accomplishments to boast of and the odds so heavily arrayed against him, he could have had any tangible impact on the current of events in the Garden Colony. And this at a time when the history of that part of the Dark Continent was itself in the melting-pot. But he was much more than that. His was an Odyssey in search of the Supreme. Without being fully aware of it, he had arrived at the threshold of it. His political and public life was a part of that quest. His means thereto at this stage were a burning sincerity, utter dedication to whatever cause he espoused, spirit of selflessness, and absolute integrity which brooked no hiatus between belief, profession and practice. His striving took the form of digging for truth with infinite patience and industry, never-failing respect for the opponent's viewpoint and trust in his *bona fides*, an unshakable faith in the innate goodness of man and in his capacity to see the truth and follow it once it is seen. This imparted to his personality a mellowness and charm and invested even his ordinary actions with a suggestion of universality. As a result people were drawn to him irresistibly, and they gave him of their love and regard in an abundant measure even when politically they were ranged against him.

3

In raising his people from the dust and welding its heterogeneous, politically unawakened elements into a public spirited self-respecting community, Gandhiji had to tackle all the intricate problems that the Indian nation builders had to in the mother country. As in India, in South Africa also there was a section of Indians—mostly colonial born—who were denationalised and alienated from their roots. With a superficial veneer of English education they sought by running down their own countrymen, whom they regarded as *fons et origo* of all the ills that they and the Colony were suffering from, to establish an identity with the white colonists, who despised them and spurned their advances.

One of them, C. M. Pillay, styling himself 'late Secretary, Indian Congress, Pretoria and Johannesburg', in a letter to J. B. Robinson's rabid anti-Asiatic and pro-Kruger paper, the *Press* delivered himself as follows:

> We have in South Africa the polygamous Nair, the polygamous Mohamedan, the ignorant immigrant coolie and the dirty Kathiawar Bunia. Verily a pleasant combination agitating for the franchise and equal trading rights.
>
> There is no community on the face of the earth which suffers less from political and more from self-created, self-inflicted, self-sustained and therefore avoidable evil than the Indian people.
>
> Child marriage and female ignorance has produced a race of men

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with weak and irresolute minds, encased in equally weak and puny frames.[2]

Protesting—rather overmuch—that he was 'no paid agitator' and had "no desire to become the tool of his countrymen's political ambition", he wound up with "I cannot but loathe and abhor moral cowardice and its honest opposition to progressive legislation".

A section of the Europeans had been endeavouring to encourage the separatist tendency of the colonial-born Indians and to exploit it for the purpose of disrupting the Indians' struggle for their rights. Mr. Tatham had openly expressed his concern that all sections of the Indian community in Natal had stood shoulder to shoulder under Gandhiji's leadership to oppose the whites' encroachment on their rights, whereas in Mauritius there were constant quarrels. This section got the colonial-born Indians to oppose the Indian petitions to the Natal Parliament against the Dealers' Licensing and the Immigration Restriction Bills. One of them in a letter that appeared in the *Natal Advertiser* over the pen name 'A Colonial Born Indian' deprecatingly wrote that the signatories were mostly 'Arabs'; the old colonists had never been told about these petitions; these old colonists knew more about the treatment of Indians in Natal 'than Mr. Gandhi and his disciples do'; the 'Arabs' had 'sent the petition for their own benefit', and 'our Indian barrister (Mr. Gandhi Saheb)' was doing more to help his countrymen who came from India than colonial-born Indians. "Arabs", he suggested, "should never be allowed to come to Natal"; and the anti-Indian Bills, particularly the Dealers' Licensing Bill, should be welcomed for, if passed this would force the Arab merchants to keep their books in English and they would have willy-nilly to employ colonial Indians for the purpose. Praising the Demonstration Committee for its attempt to 'stop these Arabs from coming to Natal', the correspondent called upon all colonial-born Indians to form an association to help it achieve its laudable objective.[3] Supporting him, another colonial-born Indian, Soobrayan Pillay, feared that the Garden Colony might become a 'second Mauritius'.[4]

From the very beginning Gandhiji had forseseen this and warned the Indians that they would be in for serious trouble if they did not make the colonial-born Indians feel that they were a part and parcel of themselves, with a common root in the mother country, and a common heritage in its history, civilisation and culture of which they should be proud. He had been told in reply that Indians born and educated in Africa kept away from them. "They do not regard themselves as a part of the Indian community." Being Christians, they were completely under the thumb of white clergymen who in their turn were the creatures of the Government (see *The Early Phase*, p. 414). This had set him thinking and given fresh impetus to his effort to rediscover Christianity for himself. Must Indians cease to regard themselves as Indians because they had embraced the Christian faith ? Could

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this be the true meaning of Christianity, he had asked himself. The conclusion he had arrived at was that the true function of religion is to unite the various members of the disrupted human family into a common brotherhood, by strengthening and broadening the faith of each member, not to sunder them or to alienate anyone from his spiritual roots. Accordingly he had set about to remedy it. The labours of the Natal Education Association, which he had established with this very end in view, had borne fruit (see *The Early Phase,* p. 439). As soon as 'A Colonial-born Indian's' letter appeared in the Press it was categorically repudiated in a letter to the *Natal Advertiser* signed by Bernard and Bryan Gabriel, D. C. Andrews, Joseph Royeppan, I. Christopher, Samuel Richards, John L. Roberts and others—all of whom Gandhiji had painstakingly groomed to take their due share in public life—and writing of letters under assumed names was condemned as 'extremely dangerous'.[5]

So deeply attached was Gandhiji to these colonial-born youths that in 1946 during his visit to Madras, when a brother of D. C. Andrews wrote to him that he wished to see him, Gandhiji taking him for D. C. Andrews himself, sent me specially to fetch him although it was a Monday—his day of weekly silence. In a note which he scribbled for him Gandhiji wrote: "I shall of course be unable to speak. But we shall converse with our eyes and faces." After nearly two hours' search, however, when I brought him to Gandhiji, he began to harangue Gandhiji to 'save his soul', pouring the filthiest abuse on Hindu religion, its institutions and practices. Gandhiji's silence had by then ended. Deeply hurt, he asked his visitor again and again to desist. All requests to stop having failed, Gandhiji ultimately had to order him at the top of his voice to remove himself from his presence. This was one of the very few occasions when he lost his temper like this.

The white colonists had likewise tried to create a rift between the Hindus and Muslims and to exploit it in order to disrupt the unity of the newly awakened South African Indian community (see *The Early Phase,* p. 560). Thanks to Gandhiji's ceaseless striving for communal harmony, Muslims and Hindus jointly observed the Muharrum festival in June 1897. At a loss what to make of the joint celebration, a reporter of the *Natal Mercury* sent a description of it to his paper in which the Muslim Tazias, Buddhist Pagodas, the Hindu practice of immersion of the images of their deities after the ceremonial is over, and the 'Christmas' were all mixed up in a crazy brew. Here is the piece:

> The Mohurram festival commenced last evening with a parade by the several sections of the Hindu community, carrying their 'gods' and the sight was witnessed by large crowds of orderly people. Today, during the early part of the afternoon, the processions start for Umgeni, where some of the pagodas will be 'drowned' in the river. It is now customary to return with many of them and preserve them for the

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next 'Christmas'.[6]

The abysmal ignorance of the whites in regard to the religious practices of the Indians, whom they considered as beneath contempt must have in no small way been the Indians' saving. Had the Natal Europeans been better informed they might have by skilful application of the principle of 'divide and rule', succeeded in disrupting the Indian movement like their counterparts in India.

* * *

Another danger to which the Indian community was exposed was its protest against the racialism of the Europeans taking the form of a counter-racialism on its part. While maintaining a lynx-eyed watch to uncover and combat all encroachments on the rights of the Indians and attempts to sow the seeds of discord and disruption in their midst, Gandhiji missed no opportunity to inculcate in them a spirit of broad tolerance that rose above the narrow racialism and political prejudice of which they themselves had been victims, and ungrudging appreciation of the good points of those who as a class were opposed to them. Not a little of the success of the Natal Indian Congress was due to the cultivation of the goodwill of large-hearted Europeans irrespective of their political views. Gerhardus Marthinus Rudolph, Q.M.G., Justice of the Peace, Resident Magistrate and Administrator of Native Land for the Klip River Division of the Colony of Natal, was one such. During his long years of service he had tried to do his duty without distinction as to colour or as to riches or poverty. It was his claim that he had never done anything in violation of his oath but had carried out the Law 'without fear, favour or prejudice'.[7] On the eve of his retirement, after eighteen years of active service, the Indian community gave him an address and a souvenir as a token of their regard and appreciation. Mr. Rudolph was said to be the first recipient in the Colony of addresses from all the communities, and the Indians, both rich and poor, subscribed liberally towards the fund.[8]

Gandhiji, being specially called by the Indians of Ladysmith to perform the function, while conveying to His Worship the tribute of his countrymen to his 'stern impartiality, loving kindness and gentleness of disposition', assured him that "the lamp of gratitude and affection in the Indian heart was ever ready to respond to the spark of sympathy, of which they had in abundance from His Worship".[9] He was proud to be associated with that happy event, he said.

Among the European visitors to South Africa during this period of Gandhiji's stewardship was a Conservative M.P., Mr. Ernest Hatch. During his visit to Johannesburg he was taken round the Indian locations and shown some of the worst parts in the Indian quarters. He was so disgusted with what he saw that he decided there and then to study the Indian

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question. At Durban he was met on behalf of the Natal Indian Congress by a deputation of about fifty Indians. They placed before him the Indian view of the question. Struck by the 'moderation' with which the Natal Indian Congress conducted its work he promised to do for them all he was capable of on his return to England.

Captain (later Sir) Francis Younghusband, the Special Correspondent of the *Times,* was another noted visitor during the year 1897 to Durban. He was entertained by Messrs Dada Abdulla and Co. at the Congress Hall at a dinner to which the leading Indians were invited. He later devoted a special chapter to the Indian question in his book *South Africa Today* (MacMillan & Co. Ltd., London, 1899) in which he presented the Indian side of the question pretty fairly.

He found in Gandhiji, then under thirty, "just the ordinary, courteous, English-educated young man, not a whit different from thousands of other Indians, who came to Europe". Dressed in European clothes like the rest "he seemed to have nothing noteworthy about him". But his 'grit and grim pertinacity of purpose', and above all 'that wonderful compassion for the oppressed' struck him even then. Recalling on the occasion of the seventy-fourth birthday anniversary of the Mahatma his first meeting with him, Sir Francis Younghusband recorded that young though Gandhiji then was, he had already made himself the leader of the Indian communty in championing the rights of Indians.

> He was living in a well-furnished English villa in Durban, and at the dinner to which he invited me as *Times* Correspondent I found him to be 'a particularly intelligent and well-educated man'. But it took a good deal more than mere intelligence and education to accomplish what he afterwards did. The race antagonism rampant in South Africa was then terrific ... And that a young Indian lawyer should be able to stand up against it showed a courage and character which were of far more avail than any amount of intelligent education.[10]

4

The mercantile section of the Indian community and teachers and priests in Durban and elsewhere in Natal had long felt the necessity for having a printing press of their own. As early as 1895, Gandhiji had mooted to one of his co-workers, V. Madanjit, the idea of setting up a small printing press with the pecuniary support of some of the leaders of the Indian community. But Madanjit had been unable at that time to see his way to doing so and the idea was dropped.

In the middle of 1898 Gandhiji again broached the subject to Madanjit. This time he advised him to depend upon his own means, and put the whole of his limited capital in the enterprise and work it, not with the

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assistance of paid employees, but with the assistance of workers who would work for a share in the profits if any, but would not be called upon in the event of a loss to contribute thereto. The idea greatly appealed to Madanjit. He purchased a second-hand printing machine, over 1,000 lb. of English type of different kinds, an Albion press and a cropper machine with a capacity for printing 1000 copies an hour—half foolscap size—and offered to take a Maritzburg printer, Ratansi, as a co-worker and sharer in the profit, if any. Ratansi accepted the offer and the International Printing Press was born.

To house the printing press Madanjit secured from Abdul Kader, a prominent businessman of Durban, commodious premises adjoining the Natal Indian Congress Hall in Grey Street.

After the plant was erected and all necessary preparations for starting the printing establishment were made, invitations were issued to the leading members of the Indian community and others to attend the opening ceremony which was held at the Congress Hall on the evening of November 29, 1898. It was attended by about 90 Indians, comprising Muslims, Hindus, Parsees and Christians. Also present on the occasion were the Rev. Canon Booth, M.D., Dr. Austen Robinson, Dr. Lilian Austen Robinson and Gandhiji.

The proceedings opened with the chair asking the Congress organist to play 'God save the Queen', which was done, all present standing—that being the usual procedure at all Congress meetings.

Giving the genesis of the venture, Madanjit explained that the idea was to invite the Indian youths to join as apprentices to enable them to learn the printing trade and earn a livelihood. A Tamilian had joined the press as a book-binder, an order had been placed for Hindi and Gujarati type, and Tamil type was to be ordered in a few days. "The press is not mine alone—it is yours also," he told the gathering. He was sure the Indian community was as much interested in it as he and his co-partner Ratansi. After Gandhiji had read letters of good wishes, the printing press was declared open by the Chairman, Sheth Abdul Kader. A Brahmin priest and teacher from St. Verulam recited verses in Gujarati in which, according to a contemporary press report, he extolled the printing art 'with oriental extravagance' and pointed out that "they had to thank Queen Victoria for the freedom which enabled them to obtain the privileges and blessings accruing from printing". In his closing verse which was devoted to the praise of the Empress of India he was "exceedingly enthusiastic and his enthusiasm appeared infectious as he concluded amid hearty plaudits".[11]

The panic caused in English breasts by prosecutions in India under the Vernacular Press Act found echoes even in this little function. The English were at times a little frightened, observed Canon Booth in the course

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of his remarks, when they heard about the Vernacular Press because they knew that 'insignificant rags of newspapers' printed in the vernacular in India, 'had done much mischief'. But he would not have been present that night if he thought that any mischief would be done by the International Printing Press as it was under the patronage of the Indian Congress of Natal, and "if there was one body in Natal which was perfectly loyal to Queen Victoria it was that Congress (applause)". He did not think there was any community in Natal which was more law-abiding than the Indian Congress (applause).[12]

The establishment of the International Printing Press marked a distinct milestone in the progress of the Indian community in Natal. Things had moved forward quite a bit since Gandhiji himself wrote the circulars, reports, invitations, and even petitions and memorials to be sent out by the Natal Indian Congress, and got them cyclostyled for circulation by his office clerks. The Indian community had now launched on a grim struggle for its rights and needed very badly a newspaper of its own, to ventilate its grievances and educate public opinion. But the time for it was not yet. Establishment of the International Printing Press, however, prepared the way for it. When *Indian Opinion* was founded by Gandhiji a few years later, the International Printing Press was there ready to take up the printing.

Even the success of this little Indian venture aroused the jealousy of the whites. They began telling the Europeans that they should withhold their custom from the International Printing Works,' to prevent 'coolie' profits being drained out of the Colony. It was even suggested that all printing job-work should be required by law to carry the name of the printers on it.[13]

5

Sir John Robinson, the first Prime Minister of Natal under self-government, in introducing the Indian Disfranchising Bill, had said that the Colony was "fully aware of the increased responsibilities that naturally went with the increased freedom they enjoyed, and of their increased responsibities in that they were depriving the Indians of the franchise they possessed". In practice, however, self-government, as the Indians had all along feared, came to mean only a free hand to the white colonists to discriminate against the Indian subjects of Her Majesty's Government and to deprive them of their few remaining rights one after another. It had been held against them that they were of no benefit to the Colony where they made their fortune, that they spent little, and sent home practically all their earnings. But if they tried to invest their money in the Colony—in trade or in fixed property—obstacles were placed in their way and an

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outcry was raised against them that they were doing the colonists out of their own.

In April 1896[14] several lots of land were auctioned in Durban at Trimble's land sale. It was subsequently discovered that the purchasers were Indians. Taking advantage of the terms of the sale, Mr. Andrew Trimble notified to the bidders that the sales had been cancelled, as the vendor could not accept Indians as purchasers.[15]

Not satisfied with this, the whites next tried to persuade the authorities to introduce a statutory measure disabling the Indians from purchasing landed property. On May 7, 1897 a deputation of the Demonstration Committee consisting of Messers Sparks, W. S. Wylie and Dan Taylor waited upon the whole Council Committee of the Durban Corporation and proposed that the sale of Corporation land be postponed pending the passing of certain measures before the Parliament. The Committee recommended postponement for two months.[16] Sometime after this when a property was sold it was found that the gentleman who had bought the land was an agent for some 'Asiatics' to whom he now sought to transfer the land. This was resisted by the original owner and the right to refuse formed the subject of legal action.[17]

The legality and the morality of debarring any section of the community from purchasing property in the open market was questioned by a white colonist, E. Buchanan, who characterised it in the columns of the *Natal Witness* as 'contrary to divine law'.[18] But his was a lone voice. In the third week of June 1897 when a number of valuable plots of land were publicly offered for sale in Pietermaritzburg, a condition attached to each lot was that no bids would be received from "Asiatics or anyone acting on behalf of an Asiatic ... and that the property should not at any time be transferred to Asiatics".[19] In the following month, however, Indians were allowed to bid for leases of five plots of Lower Illovo land, but did not succeed.[20]

A countrywide agitation was next set up under the auspices of Anti-Asiatic and Europeans Protection Association—the successor organisation to the Demonstration Reform Committee (see Sec. 10, Chapter IV)—of which Mr. Sparks was the chairman, to devise ways and means for preventing Indians from purchasing any land in the Colony. On September 28, 1898 its chairman communicated to the Government the views of the Committee. The Principal Under Secretary replied stating that the question of adopting measures to prevent Asiatics from acquiring land in the Colony would receive 'careful consideration' of the Government.[21]

White the white colonists were determined to keep out the Indians from the best property deals, they were not themselves individually above profiteering surreptitiously at the Indians' expense. The scandal came to light when it was learnt that a syndicate of Europeans was in existence, which bought

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estates at good figures, parcelled them out into small lots and sold them to Indians at a tremendous profit—sometimes at eight times their real value. Two estates were reported to have been disposed of in this manner in Victoria County. But when it was learnt that Clare Estate at Sydenham also had been purchased by a syndicate for £ 12,000 for the same purpose, the Europeans living in the neighbourhood raised an outcry. Investigation revealed that connected with the syndicate was none other than our old friend, Mr. Palmer, the super-patriot, who, luckier at the last election than in the previous one (see *The Early Phase*, p. 396), was now a member of the Natal Assembly. Mr. Sparks, Chairman of the Association, promptly advertised the deal in the *Natal Advertiser*.[22]

Leo MacGregor, Secretary, Natal Progressive League, further revealed that also involved in the affair was another European, Mr. Dyer, the Town Treasurer, who, as the Licensing Officer for the Durban Corporation, had but recently refused a trading licence within the borough to an Indian although this gentleman was 'admittedly, otherwise, a most desirable person'.[23]

On learning that an extraordinary meeting of the Association was to be held in the evening of September 18, 1898, to consider the case, Mr. Palmer called on Mr. Sparks and offered an explanation of his conduct, which Mr. Sparks did not accept. Frustrated, Mr. Palmer issued a rejoinder in the columns of the *Natal Advertiser*.[24]

Communicating this to the Anti-Asiatic and European Protection Association, he wrote that Mr. Sparks in his meeting with him had been "most insolent in manner and intolerant in speech".

> I had no idea what transpired (*sic*) would be made public ... After the interview I at once told my partners that while they were perfectly free to do as they liked, the firm's name could not be used, and that I would not personally have any interest in the syndicate. This transpired (*sic*) before your meeting took place ... hence Mr. Sparks told you what was not correct.

This letter was read at the meeting of the Association held on October 28, 1898 at which members of the Natal Progressive League were present by invitation. On Mr. Sparks being asked whether Mr. Palmer, in the conversation referred to, had said that it was his intention to have nothing to do with the syndicate, he replied, "Certainly not".

Dan Taylor thereupon remarked that Mr. Palmer's letter "only bore out the fact that Mr. Sparks' statement in the *Advertiser* had proved effective". Mr. MacGregor wanted to know whether Mr. Palmer would have the conveyancing work of the Clare Estate. Mr. Reid said that "it appeared that Mr. Palmer, when he saw that the syndicate's affairs were made public, wished to make it known that he was relinquishing his interest". Dan Taylor thought that the fact of Mr. Palmer's having withdrawn from the syndicate was "sufficient proof that he had taken part in it and had proposed having

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a share in it".

On the motion of Mr. Reid, seconded by Mr. Bartholomew, it was unanimously resolved that the Association "have every confidence in Mr. Sparks as to his statement of what was said in his conversation with Mr. Palmer", and that "Mr. Palmer's action in withdrawning from the syndicate confirmed it".[25]

On November 7, 1898 Mr. Palmer was informed by the Secretary of the Anti-Asiatic and European Protection Association, Durban that the Committee while unanimously feeling that Mr. Sparks' version of the interview with him was correct, were pleased to learn that "you had at once retired from such an obnoxious, despicable and unpatriotic transaction when the nature of that transaction was shown to you in the proper light". The Committee was also 'pleased' to notice that "you as one of the public men of this town, placed the moral obligations of a citizen above the mere mercenary considerations of the individual" and only regretted that "you were not able to imbue *(sic)* the same spirit into your partners".[26]

One would have expected at least the Mayor of Durban, as the representative head of the borough, to act with impartial justice towards all. But even he sided with the Europeans in connection with the sale of Corporation land. Speaking in Natal Parliament, in opposition to the Bill to set apart a fund for starting schools for the Indian children separately, he characterised the action of those European who were 'selling Corporation land to blacks', as being even worse than 'voting money to educate the black'.[27]

In July 1899 several good plots of Corporation land were auctioned; the first bid was knocked down in favour of an Indian gentleman who owned £ 1300 worth of property. But when he went up to the auctioneer to put down his name in the book, the Mayor objected to it on the ground 'that there was a dispute' relating to the property in question. It was, however, sold to a second party there and then. A second time, a leading Indian merchant bid for a piece. His bid also was not accepted. After the third and the fourth Indian bids were disposed of in the same manner, Indians were asked to buy in May Street, where nobody cared very much to bid for any property, there being "little chance of the Street being put in order for centuries to come".[28]

Gandhiji warned friends and sympathisers in England and India: "One after another the elementary rights of British citizenship have been snatched away from them, and if Mr. Chamberlain and Lord Curzon are not wide awake the British Indians in Natal will, one of these days, find themselves stripped of all that they have been taught to believe they possess as subjects of the Queen-Empress."[29]

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6

Ever since the High Court had turned down the request of the Bulawayo Chamber of Commerce in 1896 to refuse a licence to an Indian trader who had applied for it (see *The Early Phase*, p. 465), trouble had been brewing for the Indians in the land of the Mashonas, now a part of Rhodesia. There were about 200 Indian traders settled in Bulawayo. Hawkers' and traders' licences were issued as a matter of course to all persons who were able to produce a certificate from the Police, or on the Native Commissioner's testifying that he was of good character and otherwise a fit and proper person to hold the licence. In no case, where such certificates were forthcoming, was a licence refused to either Europeans or Indian traders. But adoption of anti-Indian measures in Natal had its repercussion here also. Towards the close of 1897, the European settlers of Bulawayo invited Harry Sparks for consultation. The result was what one would expect. In the following year Bulawayo tried to follow in the footsteps of the Demonstration Committee.

On Wednesday, January 4, 1899 a body of about 150 Europeans, mostly traders, headed by two Justices of the Peace and officers of the local volunteer force set out in the darkness of the night on a tramp in the longish grass to take the law into their own hands and put across the border bag and baggage the owners and employees of an Indian store at Umtali.

It was nearly 9 o'clock and lights were visible inside the store when the force arrived there and with 'polite knocks' at the back and front door sought admission. When the door did not open "a handy disselboom, manned by a handful of men, disputed with the bolts and locks of the back-door" and an entrance was made. The bars of the front door too were soon removed and some of the men poured in.

The owner and his family had already retired beneath the counters for the night. A call was made for the owner. He was told he must go.

Minutes later, whistles were heard. Police Inspector Birch appeared on the scene with a posse of constables. He had intimation beforehand of the action that had been preparing since January 2. He told the invaders that he was there 'by every possible means' in his power to prevent the execution of their design. His instructions were to take the names of as many of them as possible, but if they left quietly and dispersed, he would not take any names or take any action, he said.

William Corderoy, one of the Justices of the Peace, then called the 'Banyan' and told him that he would not be able to restrain the feelings of the people; the 'Banyan' had therefore better leave the country. If he did not, the crowd would come again and he might be hurt. The 'Banyan' said he saw he was not wanted there, and if he were given time he would go.

The police being only ten in number, the Inspector had recourse to a

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ruse. He suggested that the 'Banyan' should be allowed time to make arrangements about leaving.

After some discussion this was agreed to. The 'Banyan' promised to leave next morning if they provided him with wagons to remove his stock. He was informed that a select deputation would wait on him in the morning and a wagon would be supplied free of transport charges.

This done, Corderoy called Inspector Birch and the 'Banyan' was made to repeat in his presence what he had said before. The Police Inspector tactfully gave to the raiding party the impression that while he would not advise the 'Banyan' to clear out he would offer no opposition to his doing so.[30] The crowd then dispersed with three cheers for Inspector Birch, trusting that no names and no action would be taken.[31]

Immediately the crowd had disappeared, the Inspector told the terrified owners and employees of the store that they were not to think of going; he had suggested the allowance of time in order to summon assistance. All the available mounted police were called in from old Umtali overnight and a guard placed over the Indian store.[32]

In the morning of January 5, the select Committee of the Europeans waited on the owner's deputy with a wagon. The deputy 'smiled and bade them good morning'. Reminded that time for packing up and going had already expired, he said that the promise to leave had been extracted from them under a threat of violence and was therefore no longer binding on them and further that there were sufficient police in the town to provide protection in case any violence was attempted. Frustrated, the invaders retraced their steps.

Simultaneously at about midnight on January 4, fifteen Englishmen attacked the store of one Allarakhia Hussain, situated near the Queen's Hotel, at Paulington (Umtali). They broke the doors open, threw the goods about and assaulted the shop assistants.

Police constable Jones crossed over to them and asked them what they wanted. In reply they tried to overpower him. Shaking them off he went to the back of the store and blew his whistle for assitance. Inside the store a number of Europeans could be seen, two of them holding an Indian. On entering the store constable Jones also was set upon. In the scuffle several of his men received cuffs. The three Indian shop assistants escaped, leaving all the goods to the mercy of pilferers.

The timely arrival of the police prevented further mischief. The store was closed and its contents removed to the police station, where the Indians were offered quarters under police protection.

On January 12, 1899 after Inspector Birch had completed his report, summonses were issued to thirteen principal participators in the raid on the Indian stores at Umtali, viz., Messrs Corderoy and Suter (Justices of the Peace), Reynolds, Meikle, Sykes, Snodgrass, Wilmot, Marley, Fichat, Han-

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sing, W. Hacker, Wilkie and McAdam. Hearing began on January 13.[33] The defendants, pleading 'not guilty', put up the defence that their aim was to get the 'Banyans' out of the country by constitutional means if possible, but with 'a little demonstration without violence' if necessary. Reynolds deposed that Inspector Birch had told them that 'unofficially' he was in sympathy with the movement but 'officially' he must do his duty.

Cross-examined, Mr. Birch denied that he had said that he was in sympathy with the movement. He admitted having said he would not disclose names. "This prosecution is brought by me on direct instructions to me from the Public Prosecutor. I wish to point out I am not a free agent."[34]

Counsel for the defendants argued that the Government were bound by the Chief of Police. The Prosecution should never have been launched.[35] All that the principal accused had done was 'by nature of advice' and no threats had been proved. He asked for their discharge.[36]

Finding that their plan had backfired, the Bulawayo Chamber of Commerce next day wired to the Acting Administrator, asking for power to be given to some representative body 'to grant or refuse licences to undesirable inhabitants'.[37]

A few days later the Chamber met again and suggested 'as a solution of the difficulty' that "the Government recognise the intention conveyed in the late decision of the Privy Council and empower either the Sanitary Board or any other representative body to be created to act as a Licensing Board so as to prevent the granting of licences to undesirables".[38] In Rhodesia the word 'undesirables' was used as a euphemism for Indians.

The Administrator replied on January 13 that nothing could be done until the session of the new Council "and then any legislation will be subject to the approval of the Secretary of State".[39]

In a letter that appeared in *Rhodesia Advertiser* the same day 'Fairplay' characterised the whole episode as "a disgraceful piece of 'larrikinism' ('Larrikin' South African equivalent for 'Hoodlum') which reflects no credit on those who took part in it".[40] But the *Herald* congratulated Umtali on "its effort to resist the invasion of undesirables".[41] The *Rhodesia Advertiser* thought that though the unconstitutional demonstration was a failure, "it does not postulate that public agitation comes to naught".[42]

On January 15, 1898 at a general meeting the Bulawayo Chamber of Commerce passed a resolution to the effect that the gentlemen at Umtali, responsible for the recent action, should be dealt with "as leniently as the law permits".[43] The Salisbury Chamber of Commerce took a slightly different line. Leaving the magistrate's sentences to be what it might be, it confined itself to a hope that "the Government would remit fines or sentences should there be any".[44]

On January 21, 1899 His Worship gave his judgement. Holding that it had not been proved that Mr. Miekle took any part in the demonstration

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he discharged him with a warning against "ever taking any part whatsoever in any demonstration of a similar nature".

The case against Wilmot was withdrawn by the Police. The rest were found guilty of the intention to intimidate and of committing a breach of the peace. Pronouncing his verdict His Worship remarked:

> Mr. Suter, I cannot say much for your behaviour towards the Government, by whom you were appointed a Justice of the Peace. They put their trust in you and you've disappointed them.
>
> Mr. Reynold, you have taken a leading part in this demonstration.
>
> Mr. Corderoy, you appear to me to have been the cause of all this trouble, you've taken the lead all through and you are the one who has been most guilty of this breach of the peace. The remarks I passed on Mr. Suter with regard to the office of Justice of the Peace refer to you also.
>
> The sentence of the Court is that you will be bound over to keep the peace for three months.
>
> Suter and Reynolds each in two sureties of £ 50 each.
>
> Corderoy in two sureties of £ 100 each.[45]

Marley and Wilmot were likewise found guilty of assault and were bound over to keep the peace for three months in securities of £ 100 each by Assistant Resident Magistrate, Mr. Walter Robertson.[46]

On March 11, 1899 Gandhiji sent the account of the incident to the *Times of India.* It appeared in its weekly edition of April 1, 1899. In a covering letter he observed:

> The omission on the part of Mr. Chamberlain to take any notice of the unlawful proceedings of the Durban mob in 1897, has ... led the white settlers to think that they can do anything they like with the Indians ... a despatch from Mr. Chamberlain strongly disapproving of the whole thing would have produced a salutary effect.[47]

But Chamberlain's immediate concern was Britain's interests, as he conceived them, in South Africa. He had to keep the Rhodesian whites in good humour. The moral that the Rhodesian whites drew from the episode was that "were this country in enjoyment of responsible self-government, no Ministry could endure which did not favour the right of refusing trading licences to those whom the colonists objected to".[48] Self-Government for Rhodesia was, however, a far cry yet. Chickens came home to roost when the Smith regime made its unilateral declaration of independence on November 11, 1965 claiming the right of the whites to deal with 'the lesser breeds without the law' in the manner they chose, without let or hindrance from Whitehall. It is one of the ironies of history that the way to it was pointed at the turn of the century by the most British of the British Colonies, Natal.

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7

The cup of woe of the Indians in South Africa was filled to overflowing when bubonic plague broke out in Mauritius in the beginning of 1899, and the island was declared to be an affected area. A Plague Conference, attended by medical men from the Cape Colony, Natal, The Transvaal, Orange Free State and the Province of Mozambique, was held at Pretoria on January 30, 1899. The Conference recommended to the Governments concerned, 18-point regulations. All but one point of the regulations were unanimously adopted. The exception related to clause seventeen which provided for "the prohibition or restriction of immigration into South Africa from countries in which plague is prevalent".[49]

On February 12, 1899 the Governor of Laurenco Marques telegraphed to the Transvaal Government, stating that he agreed to the resolution passed at the Bubonic Conference and that every precaution was being taken to prevent the introduction of the disease by disallowing coolies to land and refusing the entrance into the harbour of ships coming from Tamatave (Madagaskar) and Mauritius.[50]

Three days after this the Government of the South African Republic (S.A.R.) received information that an Indian having been in Laurenco Marques had gone to Middleburg in the Transvaal early in February, where he was believed to have died of bubonic plague. The report created a sensation throughout South Africa. The Transvaal Government sent Dr. Herman, who had experience of the plague in Bombay, for an on-the-spot investigation, assisted by Dr. Theiler, the State bacteriologist. During the 'post-mortem' investigation of the body one of the doctors cut his hand, and it was feared that he would develop plague. But nothing of the sort happened; no swollen glands were noticed, proving that the man who was rumoured to have died of plague must have succumbed to some other disease.[51]

On the same day the Mining Commissioner at Barberton reported to the Government of the S.A.R. that an Indian at Kaampuiden had developed 'suspicious' indications of plague. The District Surgeon and Dr. Theiler were immediately sent to investigate the case.[52] The man succumbed on the same day. Like the previous case this one also was of a doubtful nature.[53] Nevertheless, excitement in Pretoria was intense. The public was determined to 'act like one man' with the Government "in endeavouring to seize the bull by the horns, and prevent the Transvaal from becoming a home of the plague".[54]

Taking advantage of the scare, the S.A.R. on February 14, 1899 issued a Proclamation over the signature of President Kruger prohibiting the entry of 'all Asiatics' into their territory from the neighbouring states, no matter whether the person concerned was an old resident from one of these States,

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or whether he was a new arrival from India, unless he was armed with a permit from the State Secretary—a permit which not every Indian could obtain.[55] Internal travelling, too, by the Indians was suspended. In consequence several poor hawkers who had gone to Natal to bring their wares were shut out. They had left behind their goods and their stock in the S.A.R. They could not afford to obtain the permits nor could they pass without difficulty through the examination by the Transvaal Government. In the Transvaal itself they were not allowed to hawk their goods. This affected the Indian firms that were dependent on these hawkers.

Later this Proclamation had to be amended on representation by the British agent at Pretoria under the express orders of Lord Milner (see Sec. 10, Chapter XI). But the mischief was done. A wave of hysteria swept over the whole of South Africa. One State after another began to adopt stringent measures applicable chiefly to the Indians.

When ships carrying Indian passengers from Mauritius touched at Port Elizabeth in Cape Colony, a public meeting was held at the Town Hall presided over by the Mayor. The proceedings were stormy, one speaker going so far as to ask the people to stand firm and 'take the law into their own hands', if the Government would not act.[56] A resolution was passed unanimously, calling upon the Government to issue a Proclamation at all Colonial Ports, "forbidding any person, baggage, or chattels being landed from any town or port declared to be infected by this plague".[57] The Mayor's exhortation in his opening remarks to the people not to lose their heads, as the time of the incubation of the disease was only nine days and "the danger lay more in goods and chattels of the passengers than in passengers themselves", proved of no avail.

In consequence of the threatening tone of the speeches at the meeting, a leading shipping concern announced that one of its vessels, that was due shortly to arrive from Mauritius, had "no coloured passengers aboard" and promised "not to accept any but European passengers during the prevalence of the infectious disease at Mauritius".[58] Unlike elsewhere in the world, in South Africa infection, it would appear, was presumed to be personal to the Indian! He and his goods only could carry the plague bacillus! The steamship companies that touched at Madagascar and Mauritius, which were declared to be infected ports, were free to bring European passengers, but not Indians.

In Natal there were two conflicting interests at work. On the one hand, there were the farmers and the planters, entirely dependent on the indentured Indian labour. They could not afford to do without a continuous supply of such labour. On the other hand, the people in the towns and the cities, such as Durban and Maritzburg, having no such interests at stake, would have gladly seen the entire prohibition of Indian immigration indentured or otherwise. Voicing their feeling the *Natal Witness* urged

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that, apart from eliminating the chances of the plague reaching their shores, the Government would be "contributing to the welfare of the community" by preventing "the wholesale or even retail immigration of Indians".[59]

The Anti-Asiatic Association had already been at work, 'in a quiet and persistent way' trying to bring pressure to bear on the Government with a view to total cessation of Indian immigration.[60] It found a valuable ally in Dr. Jas Allan, the Borough Medical Officer, Maritzburg, who declared that Maritzburg would have to be evacuated as a precaution against the plague, which drew from the *Natal Mercury's* irrepressible columnist the quirk that should Dr. Allan's 'gloomy forebodings' be realised "there will be nothing for it but to take the top of the Town Hall for six months or a year"! There had been such an outcry against Indians in some quarters recently, he added, that he half expected "to hear someone cry, with respect to plague to which the Indian is particularly liable, 'Let 'em all come' ".[61]

In a marathon speech at a public meeting in Maritzburg Dr. Allan made the flesh of his audience creep by drawing a lurid picture of the way in which the plague infection spreads, leaving a trail of death and devastation behind.

> When it entered a house, it would sweep off the people that lived in that house, whether they were Asiatics, Africans or Europeans. The disease they called the bubonic plague ... entered a town, and took possession of a block of buildings and remained there until it invested the entire building ... and when it invested a building every person within the building became affected by the plague. If the people did not hurry out every soul succumbed to the plague. If ... a house was seized with the plague the people abandoned it. Those who could go out went; those who could not, remained and died. After a while the house might be reoccupied and the disease again appeared. The disease stole along, from street to street, and from block to block, respecting nobody; everybody fell a victim to it.[62]

Replying to the argument that if a disease like cholera could successfully be controlled they need not fear the approach of the plague, he said:

> The cholera and the plague spread in two distinct ways ... Any city which had got control of its water supply could prevent cholera ... But with regard to the bubonic plague no protection of that kind could be had ... Therefore to allude to cholera and the bubonic plague as the same was to deceive people.[63]

Asserting that the plague had been brought to Calcutta with goods from Bombay, where it had been spread from the granaries by rats, Dr. Allan demanded that, as the only effective check on its spread, an embargo should be put on all trade with the infected countries, and import of rice and other foodstuffs from India should be altogether stopped, even if this involved the stoppage of all indentured labour. They had to make their choice. They must either choose the plague and the coolies, or they must try to do without the coolies and keep out the plague. "Bombay is a faggot which

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could set the whole world in a blaze."

The Government of Natal had enquired from the Government of India whether rice was supposed to be susceptible to infection. The Indian Government had replied in the negative. Dr. Allan compared the Government of India's reply to the reply one might expect to receive, if a prisoner in one of the Government's gaols suffering under an accusation of some offence were telegraphed by the Attorney General to ask whether he was guilty or not. The answer, of course, would be an emphatic 'no'. The Government of India's reply published by the Natal Government was "as worthless as it was in the case of the prisoner".[64]

The redoubtable doctor did not hesitate to impute corrupt motives to what he called the 'lower officers' of the Government of India. The number of dysentery and diarrhoea cases in Bombay had of late risen above the normal by 5000, he remarked. The Government of Bombay were well aware that the greater number of those cases were cases of plague, and that "influential Indians were able to get the deaths, which took place in their family, registered by native practitioners under other heads so as to escape the visit of the sanitary officers". That kind of thing pervaded the whole of India and the Government well knew it.

> The Indian Government absolutely could not depend upon its petty officers with regard to that plague. *There was deceit right through the lower officers of the Indian Government* as to where the plague was.[65]

Another speaker complained that the Natal Government were concerned about the trading interests. But everyone knew that the Colony was wholly dependent upon the carrying trade with the Transvaal. The whole of their revenue depended on keeping their ports open to England and Europe, and not upon their trade with the infected ports. If Natal insisted on keeping its ports open the Transvaal Government would close their border, "and the Transvaal would be perfectly justified in doing this".[66]

Present at this meeting were Mr. Henry Bale, the Attorney-General, and Dr. Allan Hyslop, member of the Natal Medical Council, who had represented the Natal Government at the Pretoria Plague Conference. Coming to the Government's rescue, the latter while conceding that there must always be a possibility of any disease reaching the Colony, 'unless you hermetically seal it up', he severely deprecated attempts to get up a scare on the subject. "Tell them ... to keep their hair on", he told a representative of the *Natal Witness*, who interviewed him after the meeting.[67]

But whether they spoke for the trading interests and against the interests of the farmers and planters, *vice-versa*, no one gave thought throughout the controversy to the interests of the Indians, on which the prosperity of both rested. It was tacitly assumed that the Indian residents in South Africa had no claim whatever on the Colony's consideration. Natal, having got

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used to an indirect method of achieving its purpose, used that method without any qualms with reference to the plague also. No ship that brought an Indian was allowed pratique by the Health Officer without reference to the Government, even though there was no sickness on board and the ship came from a clean port. The steamship companies consequently refused to take any Indian passengers. It never occurred to any one that a number of people among Indians might have to bring their wives and children or servants from India. In the case of some others the members of their family, or their partners were held up in Laurenco Marques — one of the unhealthiest spots in South Africa. The friends and relatives of those who were thus marooned had to undergo terrible anxiety as a result. Indians could not obtain material for dress from India as the entry of cloth was banned for the duration. A suggestion was even made that they should be compelled to live on mealies (maize meal) when the current stock of rice in the Colony was exhausted. The Government suspended indentured immigration for the time being, except those awaiting departure at Calcutta. Since rats were not quite amenable to the quaratine regulations, ships coming from India or other infected parts were ordered to remain in the outer anchorage and not allowed to enter the harbour. Yet throughout this period there was not a single authentic case of the plague in the whole of South Africa.

8

Gandhiji fought hard against the attempts of the whites to use the plague scare to harass the Indians or to unjustly discriminate against them. At the same time he strove equally strenuously with his own people to put their house in order. "I have always been loath," he says in his Autobiography, "to hide or connive at the weak spots of the community or to press for its rights without having purged it out of its blemishes." One of the charges that had been levelled against the Indians 'not without a certain amount of truth', he candidly admits, was that they were slovenly in their habits and did not care to keep their homes and surroundings clean. As a result of his labour since his settlement in Natal, the leading men of the community had begun to keep their homes and surroundings spick and span. But on finding that the municipal authorities were feeling nervous when it was reported that plague was imminent in Durban, he took another step forward and, after consulting the city fathers who had desired the cooperation of the Indian community and gaining their approval, started house-to-house inspection. This made the task of the municipal authorities easier, and at the same time saved the Indian community from unnecessary hardships which would have been their lot if the city authorities had in a panic begun to enforce excessive sanitary measures with little or no regard for the

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convenience and sentiments of those concerned. But, as in India so in South Africa, it saddened Gandhiji to find that he could not count upon the co-operation of his people in doing their duty as he could in claiming their rights (see *The Early Phase*, p. 720). "At some places I met with insults, at others with polite indifference." To get money for the work was of course out of the question.

> These experiences taught me, better than ever before, that without infinite patience it was impossible to get the people to do any work. It is the reformer who is anxious for the reform and not society from which he should expect nothing better than opposition, abhorrence and even mortal persecution. Why may not society regard as retrogression what the reformer holds dear as life itself?[68]

All this was to be Gandhiji's lot before the journey's end.

His labour however was not altogether wasted. In spite of occasional jolts and disappointments the standard of sanitation, personal as well as corporate, of the Indian community showed steady improvement. What was more, "I gained the esteem of the authorities. They saw that though I had made it my business to ventilate grievances and press for rights, I was no less keen and insistent for self-purification." Before Gandhiji left South Africa to return home they had learnt to rely on his unfailing co-operation in the discharge of their duties.

Sanitary reform became a passion with him. He was as desirous of being a good citizen as he was of being a bad subject, he declared later, when he had turned a rebel against the British Raj. Voluntary obedience to and cooperation in the enforcement of all laws that are necessary and of beneficial character, he laid down, is a pre-requisite of the practice of civil disobedience as distinguished from criminal disobedience.

The service of his compatriots in South Africa revealed to him 'new implications of truth' at every stage:

> Truth is like a vast tree, which yields more and more fruit, the more you nurture it. The deeper ... the mine of truth the richer the discovery of the gems buried there, in the shape of openings for an ever greater variety of service.[69]

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Part Three

STORM OVER THE VELDT

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CHAPTER X

BOER AND BRITON

1

WHILE THE Indian community in Natal was thus managing to keep its head above water somehow, developments were taking place in the neighbouring Republic that were before long to change the face of South Africa and make the Transvaal the principal theatre of the Indian struggle and of Gandhiji's activities. With these developments the Indian question became inextricably intertwined.

The issue upon which the final struggle for supremacy between Boer and Briton hinged was that of suzerainty. While the British claimed suzerainty over the Republic by virtue of the Pretoria Convention which, they maintained, had remained unaffected under the London Convention, and the Boers disputed that claim, both sides used the status of the British Indian subjects and the Cape Coloureds resident in the Transvaal as the testing ground on which to prove the validity of their stand. As a token of their suzerainty the British Government claimed inviolacy for the Indians' rights as British subjects; in assertion of their sovereignty the Boers questioned that claim and contended that the Indian and the Cape Coloureds in the Republic could have no rights beyond what the laws of the Republic recognised. The status of the Indians thus became a pawn in the game of power politics, and the attitude of the principal players a reflex of their moves and counter-moves on the diplomatic chessboard.

Things had never settled down to an even tenor between Boer and Briton since the Jameson Raid. Rhodes after resigning from Prime Ministership of the Cape had been busy organising the Progressive Party in opposition to his former colleagues in the Bond. The Afrikaners in South Africa were divided into two major sections—the English-speaking section and the Dutch section, otherwise known as the Continentals. The former predominated in the Bond in Cape Colony. Under the leadership of Hofmeyr, W.P. Schreiner, J.X. Merriman and other liberals, it stood for a closer relationship between Boer and Briton on the basis of equal rights for both. Its watchwords were reconciliation and cooperation between the two. In regard to the 'native' policy it favoured the 'colour-blind' franchise that obtained in the Cape in disregard of the Voortrekkar dogma of racial inequality. The Dutch section, or the Hollanders as they were sometimes called, on the other hand, was pledged to a policy of total exclusion of the

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British influence and fanatically upheld the doctrine of 'no equality in Church and State between black and white', on which the South African Republic's constitution was based.

A federation of South Africa had been the dream of all British Imperialist statesmen from Lord Carnarvon onward. Many Imperialists, Rhodes among them, believed that with the help of the Bond it would be possible to achieve a federation of South Africa under the British aegis without war. But after his break with the Bond Rhodes changed his view. Chamberlain also had for long shared Rhodes' view and believed that time was on the British side. Chastened by the miscarriage of the Raid, however, he was extremely loath to take any steps that might alienate the sympathies of the Afrikaner section in the Bond that was friendly to the English, till Milner converted him to his view.

The sequel to the Jameson Raid was "a war of races" conducted on both sides through incessant verbal propaganda. On the British side its vehicle was the South African League. Formed soon after the Raid in the Eastern districts of the Cape, it had from there spread through the whole of Cape Colony, Natal and the Uitlander districts of the Transvaal. In the Cape Rhodes was its idol and its instrument the Progressive Party. Unlike the National League before the Raid, which was prepared to work for an Uitlanders' Republic under its own flag, the S.A. League declared its "unalterable resolve to support the supremacy of Great Britain in South Africa".[1] In London the South African Association became the mouthpiece of its propaganda. The goal of its policy was to secure British intervention with the ultimate aim of bringing the Transvaal—referred to as the 'province' of Tranvaal in its constitution—along with all the other territories of South Africa under the British flag. In consonance with this policy its resolutions were addressed not to the Republic but to the Queen. Liberals like W.P. Schreiner, John X. Merriman and such English-speaking colonials as stood up against it were dubbed 'lapsed Britons'. So militant were its tactics that, when in December 1896 Sir Connyngham Greene, the new British Agent, arrived in Pretoria, he advised it not to be 'provocative' and for some time refused to receive petitions from it.

In the Transvaal Kruger ruled supreme in the Executive. He virtually appointed all the officials in the land and with the State Secretary acted as the Government. The Raid had revived his waning popularity, silenced all opposition and rallied all sections of the burghers around him. With practically every department under his hand, he had made himself all but dictator. The Volksraad carried out his will. For tighter control of the Uitlanders, he enacted a series of restrictive measures—the Aliens' Expulsion Act, the Emigration Act, the Press Law and the Law for the prevention of unlicensed open-air meetings. To forestall any appeal to the courts, he decreed that the courts should henceforth be subject to direct authority

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of the Volksraad.

Finding their position grown even worse after the Raid, the Uitlanders raised a howl of protest. They found in Chief Justice Kotze a valuable ally. His motives were not altogether above suspicion. A leader of the Anglophile section of the Afrikaners, he had at the last election stood against Paul Kruger for Presidentship and been defeated. To keep the courts free from political influence and from the President, he demanded permanent salaries for the judges and a statutory guarantee that the judges should not be dismissed without a full vote of the Volksraad.

Kruger refused both the demands and began to interfere directly with the courts.[2] More than once he sent for the Chief Justice and told him what he should find in cases before him. Kotze refused to take such instructions. Kruger began more and more to govern by Resolutions, passed at his bidding by the Volksraad, to which he gave the effect of law.

The Volksraad had from the beginning legislated both by Statutes *(wetten)* and Resolutions *(besluiten)*. The former were supposed to be the vehicle of all important legislation but they became effective only after they had been published for three months. The latter came into effect immediately they were carried by a simple majority, but were not considered to be true legislation. The *Grondwet* (Constitution), drawn up forty years earlier, was by no means clear whether Volksraad was a sovereign body, superior to the written Constitution. When Kruger began to change the laws of the State by the simple expedient of passing resolutions to that effect, Kotze protested against it and advised the judges to test the validity of the resolutions quoted in the cases before them on the touchstone of the written Constitution. In January 1897, in spite of the President's warning not to tamper with the Resolutions, in a mining case he gave judgment in favour of the plaintiff, Robert Brown, involving the Government in a payment of £372,000.

The Volksraad's answer to this was to pass Law No. 1 of 1897, which denied to the courts the right of judicial review, and authorised the President to dismiss any judge who still claimed that right. Kotze raised the cry of the independence of the judiciary. The entire bench and the Johannesburg bar backed him. A few wealthy Uitlanders privately even guaranteed the judges financial relief in case of dismissal. Bowing before the storm Kruger made a truce with his Chief Justice on the latter's agreeing not to exercise the testing right till the next Presidential election, which was to be held a few months later.

After the courts, the Press. The Uitlander Press, largely in the pay of wealthy Corporations and individuals, had always been a thorn in Kruger's side. The Rhodes cabal had secured the control of the majority of South African newspapers and was using it to foment trouble between the foreign element in the Republic and the Boers. It had added the *Diamond Fields*

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Advertiser to the *Argus* group which stretched from Cape Town to Salisbury. The South African League had got hold of the Independent *Transvaal Leader*.[3] "The South African press," wrote A. M. S. Methuen, the English author, "became a manufactory of outrages".[4] The Uitlander E.B. Rose described Rhodes and his clique as "part and parcel of the crusade of calumny upon the Boers, having for its object eventual British intervention and destruction of Boer independence".[5] Kruger had already suppressed the *Critic*, which soon after reappeared as the *Transvaal Critic*. He now suppressed the *Star*. The directors rechristened it *The Comet*[6] and appealed to the High Commissioner against the suppression as 'a breach of the London Convention'. The appeal was, however, dropped and the paper resumed its old name, when Kruger shrewdly made a series of concessions to the mining houses, who were not prepared to break with a Government which, whatever their grievances against it, taxed them lightly and had shown its willingness to concede in part several of their demands.

The next move came from London. Kruger had quietly been surrounding his capital with fresh forts, gunned by Creusot and Krupp. He had renewed his alliance with the Free State and sent Leyds to Europe to canvass the support of the Continental Powers for the Republic. Alarmed by these preparations and even more by the possibility of Germany, France or the Transvaal Republic acquiring an area of Delagoa Bay, Chamberlain decided to have a showdown. In mid-April, confronted with the demand for £1,677,938. 3s. 3d. as compensation for the Raid and for the immediate cancellation of the London Convention, he refused the first—not even 3s. 3d. was paid—and sharply reminded the President that the Immigration Law, extradition treaties with Holland and Spain, and continuation of the dynamite monopoly were a violation of the London Convention (see *The Early Phase*, p. 374). Just as these notes were being presented by the British Agent at Pretoria a British squadron dropped anchor in Delagoa Bay and the British garrison at Pretoria was strengthened by the arrival of fresh troops. Kruger had to climb down completely and gave in on the Immigration Law.

There followed a period of relative quiet from June to November. The Queen's Jubilee engendered such good feeling in the Republic that Kruger ordered closing of all offices on the occasion, sent a congratulatory message to Her Majesty and made several small concessions to the Uitlanders as a gesture of his goodwill and desire for conciliation. The tussle, however, continued mainly on the issue of suzerainty. While giving way on the Immigration Law, the President had suggested, on the analogy of unfettered States, international arbitration on matters in dispute under the Convention. Chamberlain explained that "Convention was no treaty, but only a declaration of Great Britain's intentions". The President was furious. How could he trust the 'screw merchant' who could prevaricate like that?

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There was no reference to suzerainty in the London Convention, but the British Government in drafting the London Convention (see *The Early Phase*, pp. 354-55) had managed cleverly to retain the old preamble of the Pretoria Convention. The Boers argued that the London Convention had superseded the earlier agreement. The British retorted that if that were really so then the Republic had no legal basis; for it was in the Pretoria Convention, that the British Government had recognised its existence. "No", the Boers rejoined, they derived their statehood not from British recognition but from the original sovereignty of their own people. And so the controversy went on.

It was in these circumstances that Alfred Milner, the new British High Commissioner arrived in South Africa in place of the complaisant Sir Hercules Robinson. On May 5, 1897, he took charge.

2

Like all isms, Imperialism of the Victorian era also had its idealists, who by their spirit of utter dedication lighted up somewhat its sordid side. Chamberlain described himself as 'a missionary of the Empire'. Milner referred to the Imperialist doctrine as a "great movement of the human spirit", which had "all the depth and comprehensiveness of a religious faith". In a Credo that he drew up later in life he declared:

> I am a Nationalist and not a Cosmopolitan ... I am a British (indeed primarily an English) Nationalist. If I am also an imperialist, it is because the destiny of the English race ... has been to strike roots in different parts of the world. I am an imperialist and not a Little Englander because I am a British Race Patriot ... The British State must follow the race, must comprehend it, wherever it settles in appreciable numbers as an independent community.[7]

A Balliol man of Jowett's dispensation, who after a brilliant career at Oxford had made his name first in inland revenue and then in Egypt, Milner was a reserved, silent man, strong-willed and clear-headed and gifted with 'a dry impervious humour', which he was said to have inherited from his ancient university. Like his contemporary, Cecil Rhodes, he had as an undergraduate come under John Ruskin's idealistic spell. As a member of the master's St. George's Company, he had joined Ruskin in his Hinksey road-building programme, breaking the stones with the gang that included such celebrities as Arnold Toynbee, Andrew Lang and Oscar Wilde. From Ruskin also he had derived his creed of Imperialism. At the altar of Imperialism he was prepared even to sacrifice his personal life. An entry in his diary, dated December 16, 1881, when he was only twenty-seven, records: "Off I go upon the wide ocean ... I have nothing to fear in life, the first condition of which is celibacy ... I ... must choose between

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public usefulness and private happiness. I choose the former".[8] He was sixty-seven when he married, just four years before his death.

Prussian in his methods, a trait traceable perhaps to his German extraction, Milner had come to South Africa fully resolved to 'crush Afrikanderdom'.[9] But Chamberlain felt that the Raid had put the British Government in a false position; war with the Transvaal would make trouble in the Cape Colony, and be unpopular with the British people. They must, therefore, be careful. He tried to impress on his pro-consul that time was on the British side. It would be unwise to precipitate matters. Milner had to convert him first.

For nearly a year after his arrival Milner waited patiently studying the situation. He learnt to read Dutch newspapers, travelled round the country a lot, and outwardly gave no encouragement to the Uitlander's exuberant propaganda. But it went against the grain of his temperament.

In February 1898, after the Presidential election, which returned Kruger to power for the fourth and the last time, the quarrel between the President and his Chief Justice broke out afresh, when Kotze, losing patience, withdrew his pledge not to exercise the testing right. Kruger thereupon promptly dismissed him, without a pension,[10] and in March appointed Gregorowsky, the hanging judge in the Raid Prisoner's trial, in his place.

Kotze's dismissal and Gregorowsky's appointment convinced Milner that the Transvaal Government was incorrigible. For the past year Chamberlain had confined himself to the assertion of British rights against the South African Republic on the basis of the London Convention. Milner now set about to convince him that it was no good basing their protests on 'that miserable old instrument'; they must take their stand on 'a firmer foundation', put 'inflexible pressure' for redress of 'substantial grievances', and work up to a crisis by assertion of 'strong popular points, whether or no they were covered by the Convention'. He asked leave to insist on the Uitlanders' grievances. Chamberlain put his foot down. The foreign situation was too disquieting, he said.

In a terse telegram he told Milner that, when France, Russia and Germany were all causing Great Britain deep concern, what they needed above all was peace. Milner thereupon changed his tactics, and instructed Greene to "keep up our wicket but not attempt to force the game".[11] He was sure that they had only steadily and unostentatiously to make the Home Government realise the facts, and the Home Government would be forced to the same conclusion sooner or later as they themselves.[12] At the same time he kept telling London that it was not the 'trumpery treaties or suzerainty' that mattered but "the big facts, all of them internal Transvaal questions, with which in theory we have nothing to do".[13] In March, his patience exhausted, he unexpectedly showed his hand. In a speech at Graff Reinet he told Bondsmen, who had protested their loyalty overmuch, that

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the time had come for the "separation of the sheep from the goats in this sub-continent".[14] If they really wished to serve the cause of peace, they should try to bring pressure to bear on the party which was disturbing it, that is to say, on the South African Republic.

Milner's utterance gave a further fillip to the activities of the South African League. Thereafter both he and Connyngham Greene worked in the closest collaboration with it. "All political questions in South Africa," wrote Sir William Butler, the British Commander-in-Chief in South Africa, "and nearly all the information sent from Cape Town to England, are now being worked by...a colossal syndicate for the spread of systematic misrepresentation."[15]

In November 1898 Milner, feeling that correspondence alone with the Colonial Office was not enough, proceeded Home to confer personally with the Secretary of State. He was able to persuade Chamberlain that Kruger would yield only to pressure, and taking advantage of the apathy of the British Cabinet on the issue of South Africa got him to write a despatch in which, without discussing the existence of suzerainty further, they declared that "suzerainty represented the facts of the situation".[16]

The British Government had never felt freer to apply pressure. The French had been headed off at Fashoda; the Khalifa had been broken at Omdurman, and in virtue of a secret deal concluded between Great Britain and Germany, the two powers had agreed to support Portugal with fat loans. In the event of Portugal's defaulting, Portugal's Colonies were to be divided between themselves, the lion's share going to Germany, who would in turn let the Transvaalers shift for themselves. Milner could not have wished for a more favourable opportunity.

The man on the spot, during Milner's absence, was J.E. Evans, the British Vice-Consul since the end of 1896. He had been an employee of the Standard Bank before his appointment and it was Lewis Mitchell, the Manager of the Standard Bank, and a friend of Rhodes, who had recommended him to the High Commissioner. Shortly before his appointment he was said to have told a British intelligence officer that he considered war with the Republic to be inevitable. Two years later he talked "as if no reasonable person" could doubt "the necessity of British occupation of the Republic", or at any rate of her administration coming under British control.[17] In Pretoria the acting British Agent was Edmund Fraser. Two years ago he had been appointed Greene's secretary. Like Evans and Greene he shared Milner's lack of faith in the prospect of reform in the Republic and was aware of the High Commissioner's attitude towards the Boer Republic.

It had long been recognised that the Transvaal would give way on all other points covered by the Convention but would fight if internal matters, such as franchise, were touched. In collaboration with Milner's

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team of hand-picked officials the South African League now began to concentrate on that very issue. It raised the cry against restrictive measures like the Expulsion Act and took up the cudgels on behalf of anyone 'who could claim the title of British citizen', *including the Cape Coloureds and even their Asiatic fellow subjects.*[18]

Early in the second half of December 1898, an Uitlander, Tom Edgar, while resisting arrest for killing a fellow workman in a brawl, was shot by a policeman in self-defence. The South African League thereupon summoned an unauthorised open air meeting which was attended among others by Vice-Consul Evans. The Transvaal Government arrested two high officials of the League and leaders of the unlawful meeting and demanded the dismissal of Evans since he had broken the law by participating in the unauthorised meeting. Another protest meeting, which was held in the enclosed space of the Amphitheatre, was broken up with what looked like official connivance. The South African League thereupon published a petition to the Queen.

To Milner's intense chagrin the Acting High Commissioner Lieutenant-General Sir William Butler, who in December 1898 had succeeded Major General George Cox, refused to send the League's prematurely published petition to Her Majesty, advised the British Government to ignore it, and instructed Fraser to "caution the Vice-Consul against mixing himself up with political and financial agitators, which he appears to be disposed to do".[19] An Irish Catholic and pacific at the age of sixty, Butler was convinced that South Africa did not need a surgical operation. He loathed 'the religion of the top Dog and the under Dog', preached 'first at Kimberley and later in the other mining centres', regarded Rhodes as the chief menace to South Africa and had a low opinion of the Uitlanders of Johannesburg.[20] Far from allowing the League to force his hands by newspaper publicity, he said, he would "see them all damned first".[21]

The acquittal later, on good evidence, of the policeman who had shot Edgar, led to another upsurge among the Uitlanders. A second petition to the Queen was got up with 21,000 signatures, praying for Her Majesty "to intervene and extend her protection to Her Majesty's loyal subjects resident in this State", and for 'substantial guarantees' to be obtained "from the Government of this State for recognition of their rights as British subjects". Milner, who was now back in South Africa after his consultation with Chamberlain, had promised in advance that he would receive this appeal and forward it to the British Government, which he did on March 28, 1899. At the same time he composed his famous 'helot' despatches, intended for publication in support of the plea for intervention. In one of them, dated April 4, he pictured "thousands of British subjects kept permanently in the position of helots", and called upon Great Britain to give 'some striking proof' of its intention "not to be ousted from its position in

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South Africa".[22]

Kruger retorted that he had incontrovertible evidence which showed that a very large number of signatures to the March 27 petition of the Uitlanders were either faked or fraudulently obtained. By no means a united body, not all of the Uitlanders were with the South African League. The mine magnates had held rigidly aloof from its agitation. Even the Consolidated Goldfields, Rhodes' own company, had dismissed one of its employees who had chaired the Amphitheatre meeting.[23] A counter-petition in favour of the Government was soon furnished with 23,000 signatures.[24]

To take the wind out of the sails of the League, Kruger offered to the Uitlanders a nine-year franchise, non-retrospective and lacking the vote at the Presidential election on which his regime depended. The League got up working men's meetings along the Reef, demanding a five years' franchise as the irreducible minimum. Kruger protested that he could not afford to give a more liberal franchise; it would amount to making a present of his Republic to the mine owners. He was not prepared to let the mine magnates vote his burghers down with droves of mine employees and casual workers, he said.

During this episode Indians were much sought after. They were hailed as fellow members of the Imperial family engaged in a joint struggle against the usurpation of their just rights, and even invited to join in the Uitlanders' demonstrations, till they almost began to believe that the struggle was as much for their and for the Cape Coloureds' rights as for the Uitlanders' own.

3

To strengthen ties with the Cape Bondsmen, who had been of considerable help to him during the Judges' crisis, Kruger reversed the 'Hollander tendency' and began to put friendly Afrikaners in key positions in place of Dutchmen. F.W. Reitz, Cape Colonist by birth, an English barrister by training and ex-President of the Free State, was appointed State Secretary in succession to Dr. Leyds, whom Kruger sent as his ambassador to Europe. Piet Grobler succeeded the Hollander van Boeschoten as Under Secretary of State. A nephew of Kruger, Grobler had been educated for a time in England and was said to have 'somewhat progressive ideas'. Jan Smuts, who had attracted Kruger's attention by his vigorous defence of the President during the Kotze episode, was made State Attorney. Like Reitz, Smuts was by origin a Cape Colonist. In May 1899, persuaded by his Cape friends and Martinus Theunis Steyn, President of the Free State, Kruger agreed to meet Milner in a conference at Bloemfontein, the capital of the Free State, to discuss the cause of the Uitlanders' discontent and

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in particular the granting of the franchise. He would discuss anything, he said, 'except only the independence of the Transvaal'. The proviso looked irrelevant at first but on it hung the issue of the vote.

The Conference was held from May 31 to June 5. A freshly white-washed room in the railway department had been got ready for it. Facing each other across the table sat the two antagonists with their staff—Milner 'carefully dressed, tall, erect, and dignified', a 'high-collared, reserved official', with 'the clear-cut features and the voice and the manner of an aristocrat', and Kruger, the old patriarch, 'sagged down, crumpled up in his chair, his faded frock-coat buttoned up tight, his enormous body grown shapeless, slack and unwieldy'. A fringe of unkempt beard showed below his chin. His face, 'worn into deep creases and lines' and his 'narrow eyes and large mouth', gave him the appearance of a 'worn gargoyle', but did not detract from the impression he gave of "a man of vast strength and determination, rugged, powerful and brutal—a personality accustomed to power and to be obeyed".

Milner set the tone for the Conference. Arriving late at a reception given in his honour by President Steyn and his wife, he ignored Kruger, who had stepped forward to greet him with his outstretched hand, and walked on to pay his respects to their hostess. Without betraying 'a trace of emotion on his rugged face' Kruger silently withdrew his hand.

Milner had come to the Conference convinced that the Cape Afrikaners—Hofmeyer's Afrikaners at any rate—were in a terrific 'funk', and that it needed only 'absolute downright determination plus a large temporary increase of force' to ensure 'a climb down' by the South African Republic. But even if this did not happen and there was a fight, he confided to Selborne, "it would be better to fight now than five or ten years hence". He was going to Bloemfontein 'not for agreement but for victory' if not at the Conference, after it.[25]

At the outset he presented to Kruger demands to concede which would have been almost suicidal for the Boers and he stuck to them as his minimum. His proposals included a five-year retrospective franchise. "The number of the unfranchised burghers," replied Kruger, "is about thirty thousand; the number of the Uitlanders demanding that franchise is about sixty thousand, and if we give them the franchise...we may as well give up the Republic". However, he was prepared to make 'concessions'. Milner was not prepared to enter into what he called a 'Kaffir bargain'. His line was clear. Kruger must do as he was told, "in which case the English would get all they wanted, or by refusing to budge justify strong measures".[26] The utmost that Kruger was prepared for was an elaborately guarded seven-year franchise, which he made contingent on the settlement of other 'nasty' issues, such as arbitration in future disputes and incorporation of Swaziland in the Transvaal. Milner declined to take up the subsidiary issues

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till the franchise question was disposed of, and threatened to 'break off negotiations', unless his original demands were conceded.[27]

Then tears came into Kruger's eyes. "It is my country that you want. It is our independence you are taking away," he said.

Unmoved, Milner denied that he had any designs against the Republic. He only wanted a reasonable and just share of power for Uitlanders under adequate safeguards.

Finding Milner adamant, Kruger finally said : "I understand from His Excellency's arguments that if I do not give the whole management of my land and Government to strangers there is nothing to be done ... I am not ready to hand over my country to strangers."[28]

Milner, thereupon, declared that the Conference was 'absolutely at an end', and there was 'no obligation arising out of it'.

Through the Conference by the President's side had sat his young Attorney (and later Gandhiji's arch opponent), Smuts, with all the facts and figures at the tip of his fingers, plying his chief with advice, prompting him when he lost the thread of his argument, answering for him when he tired. Milner had tried to ignore him; when he had persisted, he had icily cut him short, as if to say he was dealing with His Excellency, not his underlings. Grey with suppressed fury at Milner's contemptuous treatment of him Smuts managed somehow to restrain himself. But the steely barb had entered his heart. Milner wanted war; he would let him have it.[29] Back at Pretoria he told Piet Grobbler, the Foreign Secretary of the Republic: "It is absolutely clear to me that Milner is planning to make war."[30] Lord Oliver subsequently attributed hostilities to Milner's determination to round off the Empire before it was too late".[31]

4

Steyn returned from his leave-taking with Milner to order Mausers and cartridges from Germany. At Westminster, Chamberlain announced to his colleagues that suspension of the Sinking Fund, which they were expecting, would no longer be possible "in view of a new situation that had arisen". At the same time he published the 'helot' despatch and issued a white book. Publication of the 'helot' despatch served to rouse public passions to a white heat as it was intended to do. In the words of George Stead Veitch: "Few Englishmen knew what a helot was, but all were certain that it was something that a British subject ought not to be."[32] This coincided with the movement of artillery to Kimberley, renewal of vociferous agitation by the South African League, and a pledge by Chamberlain at Birmingham to 'see the business through'.

At the instance of Smuts to whom Fraser, the Acting British Agent, in one of their friendly meetings, after the official business had been transacted,

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had adroitly dropped a hint that the British had resolved to resort to force, and other Bondsmen, who had told the Raad in secret session that they must look for no armed support for the Republic, the Volksraad on July 18, passed an amended bill establishing seven years' retrospective franchise with a substantial allocation of seats to the Rand. The Bill further provided for British subjects, seeking naturalisation and citizenship in the Republic, to retain their old political status until they were fully qualified for the new one. Smuts had copies of his drafts sent to the British Agent, although after Milner's closure of the Bloemfontein Conference there was no obligation on the President to do so.

Inspired by Chamberlain, the *Times* thereupon declared that the crisis was over. The Imperial Government was faced with a difficult situation. In spite of Milner's bravado it was unprepared for war. If it sent troops to South Africa it might bring matters to a head for which it was not yet fully prepared. If, on the other hand, it waited till war broke out, the British regulars might find themselves outnumbered by the Transvaalers by four to one, and with the Free Staters by seven to one.

Milner felt the ground slipping from under his feet. Only three days earlier he had told Chamberlain that no scheme that the Transvaalers might adopt would be calculated "to carry out the object we have in view". In a telegram on July 26, he urged that the real issue was not "the details of the franchise bill, but the practical assertion of British Supremacy".[33] Privately he talked of resigning if Her Majesty's Government gave way.[34] Immediately he set to work to get London in line. Next day Lord Selborne, Milner's great standby, was able to send him the reassuring news that British policy was again 'on the old right tack'. Chamberlain's note of July 27 confronted the Boers with a new demand.[35] The new franchise bill must be submitted to a joint enquiry. Arbitration and other outstanding issues would be left to be discussed at another conference between the President and the High Commissioner. Rhodes, now President of the South African League, sent shivers down the spine of the burghers by declaring for "equal rights for every civilised man south of the Zambesi" (see *The Early Phase*, p. 375.) At the same time 2000 troops were sent to Natal and pressure was put upon Portugal to stop the passage of arms to the Transvaal through Delagoa Bay.[36]

Convinced that rejection of the Imperial Government's 'take it or leave it' note would mean certain war, the Republic's friends set about once again to get the President to 'save the peace' by making more concessions. Hofmeyer urged the President to offer better terms; Steyn—more susceptible to the High Commissioner's persuasion than to the President's pleadings "not to play the tame elephant to get him into the English Kraal"[37]—advised him to neither accept nor reject the joint enquiry but play for time. Leyds bade the President expect nothing from the Continental Powers. Milner's

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tactics had begun to tell.

Now that war seemed inevitable the one anxiety on the Boer side was somehow to stave off the crisis until the autumn, when the rains would come and provide ample grazing to commandos for their horses so that they could fight. Partly with this end in view Smuts with Kruger's consent dropped in one evening at Greene's residence and in a series of informal friendly talks proposed a comprehensive settlement. Two days later he initialled a report which Greene had made of their provisional settlement. The main gist of it was a five years' residential franchise for the Uitlanders provided that (a) the British withdrew their demand for a joint enquiry, (b) Her Majesty's Government would agree that their present intervention shall not form a precedent for future similar action and assertion of suzerainty shall not be insisted on, the controversy on the subject of suzerainty being allowed tacitly to drop, and (c) non-foreign arbitration—the Orange Free State excepted—would be conceded as soon as the franchise scheme became law.

Greene thought the Boers had made a 'huge surrender'. Chamberlain also felt the same and telegraphed to Milner that if the proposals were genuine, "they constituted an immense concession" and "even an advance on your Bloemfontein proposals". But it did not suit Milner. He was determined that no alternative should be left to the Boers except total capitulation or war. He immediately set to work. In a telegram to Greene he reproved him for his 'irregular methods' and gave orders that in future "all official business must be done through the official channels and in writing".

Smuts unwittingly provided Milner with just the ammunition he needed when by way of explanation he wrote to Greene that the last proposals were 'final' and it would be necessary for Her Majesty's Government to arrive at a decision 'on these terms as they stand'. Greene expressed surprise and quoted Smuts' promises. Smuts said that Greene must have misunderstood him. Each charged the other with bad faith and the negotiations ended in mutual recrimination. Further handle was provided by Reitz's cable that the Franchise Bill would not be submitted to the Raad till the three assumptions agreed upon between Greene and Smuts were accepted as definite provisos, and this without the subsidiary advantages which Greene and Smuts had discussed.[38]

It took Milner only a few days this time to get the British policy again on the 'right tack'. On August 28, Chamberlain rejected the three provisos, as set down in the Boer note of August 19, made demands for additional concessions and reiterated Britain's title to suzerainty over the Transvaal. Butler had already been removed as a 'wet blanket' and Baden-Powell was raising troops in Bechuanaland and Rhodesia. Milner was 'moving in to the kill'.[39]

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5

Back to the wall, Kruger decided that if the troops in Natal were for use, 'we must begin'[40] The Portuguese had under German pressure just released the munitions which they had been holding up. The Volksraad interpreted Chamberlain's reply as a 'refusal', reasserted the non-existence of suzerainty, withdrew its offer of a five years' franchise and fell back on the seven-year proposals. The British Government refused to go back. On September 8, 1899 a note was sent to Pretoria emphatically repudiating the Transvaal's claim to sovereignty; expressing willingness to accept the five year's franchise, provided that "in the Raad each member might speak his own language"; and demanding "an immediate and definite reply to the present proposals".[41] Failing the implementation of the Smuts-Greene proposals without the provisos, Her Majesty's Government reserved to themselves the right to reconsider the situation *de novo*, and to formulate their own demands for a final settlement.

Thereafter both sides rapidly drifted into war. The news reached the Transvaal, that 10,000 troops were to be drafted from India and Mediterranean to South Africa. Milner sent troops and officers to Kimberley to stiffen the townguard. The Free State Raad resolved to stand by its ally.

Smuts' immediate concern was the Uitlanders—the enemy within the gate. Afraid lest on the outbreak of hostilities they should act as the British fifth column, he decided to take no chances with them. To frighten them and hasten their exodus, he ordered the arrest of two of their leaders—Pakeman, editor of the *Transvaal Leader*, and Moneypenny, editor of the *Star*—on the ground that they had exceeded their rights as journalists by the publication of blatant untruth in disparagement of the Boers and the Kruger Government. Moneypenny got warning and escaped, but Pakeman was imprisoned. The Uitlanders were furious and raised such an uproar that he had to be released. Smuts cleverly evaded responsibility by a statement "that no instructions had been issued from Pretoria for their arrest", and put the blame on one of his subordinates in Johannesburg—Dr. Krause. Men began to say he was 'wily as a fox' and gave him the name '*Slim* (crafty) Jannie'.[42]

On September 22, Chamberlain severed diplomatic relations with the Kruger Government. On the same day troops in Natal moved up to Dundee. In England Rhodes cynically quipped to his friends, "Three years ago I made a raid and everybody said I was wrong. Now the Queen's Government are preparing another raid, and everybody says they are right." "The British flag," he added later, "is the greatest assest ... We are not going to war for the amusement of Royal families as in the past, ... we mean practical business."[43]

In the beginning of September Smuts, who had fallen ill, had from his

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sick-bed addressed to his Government a memorandum, an outline of his plan of war, urging that they must "fall on the British in Natal and destroy them before they built up their forces", enforce upon the Afrikaner people a total mobilisation, "stir up revolt in India and other mutinous lands" and "pull down the whole crazy structure of the British Empire".[44] He now issued an appeal to the conscience of the world—his celebrated pamphlet, 'A Century of Wrong'. In it, expatiating on the wrongs and injustices perpetrated by the British on the Boers since the beginning of the century, he described how the British were mobilising their limitless resources to smash 'this little handful' of people: "As the wounded antelope awaits the coming of the lion, the jackal, and the vulture, so our people all over South Africa contemplate the approach of the foe."[45]

The Cape Dutch did not want war. As an eleventh-hour effort to avert war they petitioned the Queen for a peaceful solution. The Free State President sought American mediation but all to no purpose. The Volksraad, with whom rested the final decision about peace or war, met behind closed doors, each member pledged to secrecy. The majority of the members were for war and war at once. They were fighting for their homes and liberty. Justice was on their side. The great day for which they had all waited had at last arrived. Lord God of Hosts would lead them to victory. For the English they had nothing but contempt. They had beaten them once, they had now only to choose the right moment for the attack and they would drive them back into the sea.

A small section advised caution. Among them was Piet Joubert, the 'straight-shouldered Dutchman', hero of Majuba Hill, whom Kruger had appointed his Commander-in-Chief. He was supported by de la Rey, a man of fearless candour with 'hawklike features and kindly black piercing eyes', a noted fighter from old wars; and Louis Botha. But Smuts and Reitz carried the day. When de la Rey warned them not to underestimate the strength of the enemy, Kruger grasping the desk in front of him 'hauled himself up on his feet with a great growl' and beating the desk with his gnarled fists, interrupted him with his big booming voice, calling into question his patriotism, honesty and courage. Deeply hurt, de la Rey still maintained his composure. As soon at the President had finished, he got up and in a voice 'that cut like the east wind' said: "I shall do my duty as the Volksraad decides." Turning to Kruger and his supporters, he added: "And you will see me, old de la Rey, fighting for our independence long after you and your party, who make war with your mouths, have fled the country."—A prophecy that was tragically to come true before the end of the chapter

The motion was put to the vote The voting was for war, as soon as the best opportunity arose. Kruger closed the session and the members hurried away, each to his district, to prepare the commandos.

The Boers were spoiling for a fight. The only anxiety of the Free

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Staters, as a member of the Executive put it, was 'lest Chamberlain should cheat us of war'. On October 9 at Kruger's orders Smuts drafted an ultimatum demanding the immediate withdrawal of British troops from the Transvaal borders and a reply within forty-eight hours.

"Kruger," declared W.T. Stead of the *Review of Reviews*, "would have been a traitor to his own people if he had not launched the ultimatum." Chamberlain speaking in England said that "if, as his opponents asserted, he was the author of the war, such an exploit would be a feather in his cap". On October 12, 1899, the crack of rifles echoed on the Veldt, announcing the beginning of a long, costly and bitter war. And the cause of it lay "not in the wrangle over the Uitlanders' grievances but in that 60 mile strip of land once known as the Ridge of White Waters". From a mere 887 oz. of gold produced in 1887 the output of gold had risen to 100,000 oz. and then to 300,000 oz. per month—a total of 3,564,581 oz. valued at no less than £ 15,141,376 in a single year, or 27.6 per cent of gold produced in the whole world. As the author of 'The Johannesburg Story' puts it; "Whatever the official reasons given at the time or since, it was the greed of gold—in this case the gold of the Witwatersrand—which was the fundamental cause."[46] Some of the best English men and women saw it. Lady Emily Hobhouse was one such. Morley and Asquith, Leonard Courtney, John Burns and Henry Campbell-Bannerman—all declared that they would prevent the sending of troops. W.T. Stead invited upon himself the wrath of war-demented English crowds by praying openly for the defeat of English arms in that iniquitous struggle; Lloyd George got stoned for his open denunciation of it.

A fortnight before the outbreak of the war the editor of one of New York's leading newspapers had cabled the Transvaal Government to ask "if they would put up a fight if necessary". Replying on behalf of Kruger, Smuts said, "Yes, it will be a fight that will stagger humanity." That expression sank deep in Gandhiji's mind and he commended its spirit to his countrymen for emulation during India's non-violent fight for freedom time and again.

6

It would not be out of place here to compare Gandhiji's reaction to the Boer War with that of the various groups and political parties in England. While the Conservative Government in London affirmed that the salvation of human rights could only be secured by suppression of Boer independence and the Liberal Party was bitterly divided over the morality of the Boer War, even the pro-Boer Liberals shifted their emphasis, as the war progressed—from sympathy with the Boers to creation of 'a climate of triumph'[47] that would help to reconcile them to life under the Union Jack—Labour and Socialists for the most part opposed the Boer War. *Justice*, weekly

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organ of the Socialist Democratic Federation, headed by Henry Mayers Hyndman, with its Collectivist Marxist approach, condemned the diplomacy that led to the outbreak of war. The *Clarion*, a popular Socialist weekly, spoke against British jingoism seeking to crush the two Dutch Republics. The Independent Labour Party, which counted among its spokesmen J. Keir Hardie, James Ramsay MacDonald and Philip Snowden, denounced the war in the monthly *Independent Labour Party News* and in the weekly *Labour Leader*. Declaring unequivocally that he was against the war, MacDonald stated : "I do not believe in the maxim 'My country right or wrong' but 'My Country' ".[48] His stand cost him whatever chance he had of success in the Khaki Election of 1900. But the Fabian Society that counted among its leaders Sidney and Beatrice Webb, Bernard Shaw and H. G. Wells, taking its stand on 'evolutionary Socialism', at first said that the war did not concern it.[49] Later, Shaw in his pamphlet *Fabianism and the Empire* defended the merits of Imperialism and the 'righteousness'[50] of the Boer War. MacDonald then resigned his membership of the society in protest. In a review of a history of the Fabian Society that he wrote in 1916, he observed: "A Socialist Society which for reasons of self-preservation condones the South African War might be admirable for drafting gas and water programmes, but it was obviously quite useless for educating the people into independence of thought and strength of judgement without which gas and water are of no importance."[51] Referring to Shaw's argument that "a great power was bound to govern ... in the interests of civilisation" and such "mighty forces as Gold mines" should not "be left to the control of small communities of frontiersmen", MacDonald with biting sarcasm commented : "Never has a militant and exploiting internationalism received such a brilliant defence."[52]

This provides an illustration of how clouded becomes the moral sense of a group or a party which is wedded to the achievement of purely material goals whether for a class, a section or a people as a whole. No matter what label it bears—Conservative, Liberal or Socialist—its ism makes little difference. As a matter of fact no exploitation can be more heartless than exploitation of one country by the proletariat of another. For, being impersonal, it can easily be sanctified in the name of progress, amelioration of the working class or realisation of the goals of the 'Welfare State'.

Gandhiji was well aware of the opposition to the Boer War in a large minority of politically conscious progressives in the United Kingdom, ranging from the pro-Boer Liberals, supporters of Labour and I.L.P., to smaller Marxist or neo-Marxist groups. But his starting point was different from theirs. They were an independent people living under a democratic system of Government. They were fully involved in the policies of their Government. They could not escape responsibility for its actions. Gandhiji, on the other hand, was a national of a dependency of Great Britain. His approach to the Boer War could not be the same as that of the various political par-

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ties in England. True, the Indian community in South Africa had many grievances against the British Government. But no Government is perfect. Gandhiji therefore felt that so long as they believed in the ideals of the British Constitution and retained faith in the British Government's *bona fides* they were bound to make allowance for its shortcomings and bear up under them. To add to its difficulties when it was faced with a grave crisis, was not the best way of either influencing its decisions or winning its sympathy or that of the British people. But apart from it, it went against the grain of his philosophy of rights and duties, which later effloresced in his doctrine of Satyagraha. How it shaped his answer to the challenge of the Boer War, we shall presently see (see Chapter XIII).

7

When Chamberlain's despatch of September 8, 1899, setting forth the minimum terms which the British Government could accept as a fair concession to her subjects in the Transvaal appeared in the Press, people took it for an ultimatum. Outwardly, life in Johannesburg went on as usual. The Boers sauntered through the streets without offering any cause for alarm, and the Uitlanders were free to come and go as they pleased though everyone had to carry a 'residential pass' and observe the curfew. In spite of it directly the war became inevitable exodus of the Uitlanders started. Later, rumour got busy and whispers began to go round that the Boers were planning revenge and to hold as hostages prominent British Uitlanders. Panic then swept the streets, the largest houses suspended their business and sent their clerks and books across the border. In the last few days before the outbreak of the hostilities, the Transvaal was being cleared of its British population as fast as possible and Uitlanders were leaving Johannesburg by thousands daily. As zero hour approached, citizens, their nerves already jangled, turned into refugees. Leaving their jobs and even their half-eaten meals on the tables, they poured into the railway station and began to clamour for trains to make their escape while the going was good. When these were full they climbed on to the roofs or jumped into cattle trucks "whose destination was of no consequence so long as it put miles between them and the Rand".[53] No less than 26,000 persons thus left during the first stages of panic. These included Mr. Pakeman, editor of the *Leader* and many prominent members of the Uitlanders' Council. Mr. Huch, the well-known solicitor, and Mr. Moneypenny, the editor of the *Star* and correspondent of the *Times*, had to effect their escape in disguise.

Naturally the Indians in the Transvaal, too; were frightened and were anxious to leave the Rand for a place of safety. But where were they to go? They could not go to the Cape. It was so far. Besides, the Indian population there was very sparse. They could not go to Delagoa Bay. It was

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a hotbed of malaria, devoid of sanitation, and overcrowded. Natal was the only place where they could take shelter. But in Natal the Immigration Restriction Act was in force. When this measure was passed, Chamberlain had said that this Act applied to all 'irrespective of colour or race distinctions', and therefore it could not be objected to. But now Europen desperados and prostitutes and criminals, of which Johannesburg—described by a noted Cape politician as 'a University of Crime'[54]—had a fair number, could enter Natal as they wished. Special arrangements were made for their reception, relief Committees were formed, and everything was being done to make them comfortable in their distress. The Indians, however, were debarred from coming.

At the time of introducing the Immigration Restriction Act, the Natal Ministers had given the assurance that it was not in any way intended to inconvenience the Indians already settled in the Colony. But as soon as the Bill became law, they had gone out of their way to warn the shipping companies that severe penalties awaited them if they were found to have brought any Indian passengers not entitled to enter the Colony. The shipping companies naturally took this to mean that they were not to bring any Indian passengers at all.

To provide relief to such Indians as were entitled to enter the Colony, the Government had introduced the system of 'domicile certificates', to be issued to those who could prove that they were previously domiciled in the Colony, by producing two affidavits to the effect that they were doing some 'permanent business for a term of at least two years'. They were charged a fee of half a crown, but over and above it they had also to pay the lawyers their fees for drawing up the affidavits, etc.

No provision was made initially under this Act for those who were not immigrants. Friends and relatives of those domiciled in Natal, who might wish to come on a visit, or those who might want to come on business from other parts of South Africa, were not covered by this arrangement. In some cases permission was granted after much difficulty on security of £50 and upward being deposited for the due return of the applicant. As a result of clamour for systematic relief a fee of £1 was instituted for the first time. A permit was granted on a deposit of £25, if the applicant wanted to pass through Durban, and of £10 if he wanted to make a sojourn of a period not exceeding six weeks in Natal. In consequence a poor Indian from Johannesburg, wishing to embark from Durban to India had not only to find £25 for deposit but pay £1 to the Government, whereas his entire deck passage cost him at the most five guineas and at times two guineas only.[55] The Indians protested that the Act prohibited entry for permanent settlement and not entry for a temporary sojourn, and therefore the institution of embarkation passes was not a concession for which they must pay. After much pressure had been brought to bear on the Government and a

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petition to the Home authorities was threatened, the Natal Government gave way, withdrew the imposition of the £1 fee and reduced the deposit from £25 to £10.

This system was in force when hostilities broke out in the Transvaal. As a result, if a shopkeeper had five assistants he would not only have to leave all his stock behind, make arrangements for maintenance during the prolonged struggle when his business was closed, and find money for travelling and other sundry expenses, but must also furnish £60 as deposit before he could leave the Transvaal during the panic. This made it almost impossible for the Indians to seek safety when they found the trap door closing upon them at the outbreak of the hostilities.

For weeks the Indians in the Transvaal had been inundating Gandhiji with calls of distress. He had already written to the Natal Government and to the British Agent for suspension of the £10 deposit and of a portion of the stringent rules under the Immigration Restriction Act, in view of the emergency, so that the Indians could enter and remain in Natal during the crisis. At first the Natal Government pleaded helplessness and refused to provide the relief asked for. And this at a time when a cablegram had announced that the Imperial Government had ordered the despatch of 10,000 troops from India for the protection of Natal! "Comment is superfluous," wrote Gandhiji to the British Agent on September 16, 1902. It seemed, he added, that the Natal Government had done its best "to shake the faith of ... Indians in British justice and in the enchanting power of the phrase 'British Indians' ".[56] The authorities' attitude shocked not only Indians but fair-minded Englishmen also. The *Standard Diggers' News*, the Boer organ, had a good laugh at the expense of Natal. In a scathing article it pointed out the inconsistency of the Imperial Government in coercing the Transvaal to do justice to the Uitlanders while allowing Natal to do as it liked to the British Indians. The British Vice-Consul at Johannesburg vigorously took up the Indians' cause. The Natal Government thereupon said that in the event of the war breaking out they would be 'guided by considerations of humanity', which contradicted their previous stand.[57] On Sept. 9, Gandhiji wired to the Colonial Secretary to protest that relaxation of restrictions after hostilities would be too late. The British Vice-Consul, when he came to know of it, was indignant and addressed a strong despatch to the British Agent at Pretoria. The Agent telegraphed to Milner. On Milner's 'recommendation' the Natal Government suspended the £10 deposit.

Hardly had this been done when the passenger traffic between Johannesburg and Durban was stopped. Refugees had consequently to come *via* Delagoa Bay. But while the Europeans were allowed to come in without let or hindrance, the steamship companies, as a result of the notice by the Natal Government already referred to, refused to take Indian passengers, although not one of them had sought the Government's or the Relief Commit-

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tee's aid.[58] Again Gandhiji had to move the authorities to supplement the suspension of the deposit by advising the steamship companies to take Indian passengers. This they did promptly enough. Commented Gandhiji that they owed it to the Natal Government to admit that its belated act of justice had made them feel again that "though in Natal, yet we are British subjects, and that in time of danger the enchanting phrase has not after all lost any of its charm".[59] The Indian community rose to the occasion and made all arrangements for the refugees on their arrival and for their subsequent stay in the Colony with relations and friends unaided by the Government, and without encroaching upon the Refugee Relief Committee's funds whether received from London or raised locally. This so much impressed the Colonial mind that the Mayor of Durban publicly thanked them for it.[60]

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CHAPTER XI

BETWEEN SCYLLA AND CHARYBDIS

1

EVER SINCE the acceptance by the British Government of the Bloemfontein Award of Chief Justice De Villiers of the Orange River State in 1895, the Indians in the Transvaal had been living on the edge of a sword. Divided on the main political issue, Boer and Briton were yet at one on the question of denial of equal rights to the black and the coloured with the whites. The difference was only one of style and degree. The Boer did it in his crude Dopper way, while the Briton did it with a finesse of which he was not a little proud. But there was a clear recognition on both sides as to the basic identity of their goal—South Africa must be the white man's country. A large and influential section in Natal and Cape Colony had as a matter of fact been long crying for a common 'Native' policy and concerted action for the whole of South Africa to this end (see *The Early Phase*, pp. 464-65). In the early stages the British Government had sympathised and even cooperated with the South African Republic in its desire to curtail the rights of the Indians. Law No. 3 of 1885, which deprived the Indians of all political rights and the right to own fixed property, besides putting upon them various other civic disabilities, had the British assent so far as the underlying principle was concerned. Only it went farther than the British had intended or were then prepared openly to approve.

Handicapped by their political subservience, the Indians fared like the grass under the feet when armies fight. Treated as 'helots' by the British and as 'hostages' by the Boers they were always the losers, no matter who won or lost. They lost when the British failed to press for redress of their grievances, either as part of a deal with the S.A.R. or because of what they themselves were doing to the Indians in Natal. They lost likewise when the British championed their cause. For the S.A.R. then regarded it, and with good reason, as a part of the British political warfare against them.

2

In 1885, it will be remembered, the *Raad* had passed Law 3, applicable to the 'aboriginal races (*Inboorlingen*) of the Transvaal', in which expression were purported to be included 'Coolies, Arabs, Malays and Mohammedan subjects of the Turkish Empire'. This law provided *inter alia* that

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the Government would have the right to point out to them the proper 'streets, wards and locations' where they could reside. The British Government had objected and this law was altered by the insertion of the words 'for sanitary purposes' to qualify the power to assign fixed 'streets, wards and locations' to Indians. Subsequently a controversy had arisen as to the meaning of the law when the South African Republic by a Resolution of the *Raad* (September 4, 1893) interpreted the word 'residence' to include the 'place of business' as well. The matter was finally submitted to an arbitrator, the Chief Justice of the Orange River State. The Indians protested both against the choice of the Arbitrator and the terms of the Award. Their protest was ignored.

On April 2, 1895, the Arbitrator gave his award. *Volksraad* Resolutions subsequent to 1886, he held, were *ultra vires* of the Transvaal Government, but it had full right to enforce Law 3 of 1885, as amended in 1886, to which the British Government had assented. Whether in a particular case the proceedings of the Transvaal Government had or had not been in conformity with the amended law was for the High Court of the Republic alone to decide. Instead of settling the issue as to the meaning of the expression over which controversy had arisen, he left it to be decided 'in the ordinary course by the tribunals of the country'.

The Arbitrator's Award thus left the issue where it was. It could be settled only by instituting a test case. Pending the result of the test case, Chamberlain requested the Transvaal Republc to stay action.

The Indians had hoped that, since the British Government had on its own submitted their case to Arbitration, it would also see the matter through to the end. They baulked at the enormous expense of instituting a test case which was beyond their financial resources. Besides, they were afraid that President Kruger having put an end to the independence of the judiciary in the Republic, there was little chance of their obtaining an impartial verdict at the hands of the Transvaal bench. The British Government, on the other hand, did not seem to be much concerned. Indeed, it had openly been said in the Natal Press that they did not particularly regret the Arbitrator's decision, as it 'relieved them of all responsibility', and the Colonial Office could now very well say to the Indian Government that they having done their best in the matter there was nothing further to it (see *The Early Phase*, p. 529). The Colonial Office took the view that it was for the Indians to assume full responsibility. All that the British Government might do was to engage a counsel to observe the proceedings on its behalf.[1] Endorsing the Colonial Office's stand, Chamberlain argued that the Indians would probably receive 'a fairer judgement' if they brought the case themselves. A less disinterested, but perhaps more cogent, reason was that "if the British Government paid costs it would act as a precedent that could be followed by all aggrieved British subjects".[2] Left to

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fend for itself, the Indian community set about raising the necessary funds from its own resources. For two years no test case was instituted.

3

Exasperated by the delay the Europeans began to clamour for action. Early in 1897, the Transvaal Government, owing chiefly to the pressure brought to bear on them by the J.H. Burg Mercantile Association, passed a resolution in the *Volksraad* to take steps to enforce the law. Significantly, the *Volksraad's* resolution, as was later pointed out by the Earl of Selborne in a despatch to the Secretary of State for Colonies, was adopted not so much at the instance of the Boers themselves, many of whom, Burghers as well as traders, had supported the Indian petitions for redress (see *The Early Phae*, p. 532), as at the instance of the European traders "who were in great part British subjects or of British origin".[3] In the eary days of the Republic, when the Government was short of funds and the President found it difficult to raise even a loan of three hundred pounds (see *The Early Phase*, p. 346) the S.A.R. authorities had in fact encouraged Indian traders, who provided them with loans, to carry on their business activities in their midst. And so, although Government circulars to carry out enforcement were issued in March and again in July 1897, the enforcement was left in abeyance.

In August 1897, the *Volksraad* again passed a resolution empowering the Government to drive Asiatic traders out of the towns. The new law was to come into operation on October 1, 1897, and the Mining Commissioner had received instructions to put the law into force, but the instructions were suddenly countermanded and the law was not enforced. This gave rise to another wave of indignation among the Europeans, who revived their agitation for the expulsion order to be enforced without delay. As a result, on November 19, a resolution was passel by the *Raad* fixing the date on which the order should be enforced and the first notice under it was issued on the Indians on December 14, 1897 to go into locations before the 1st of January 1898.[4]

The responsibility for the delay this time, however, rested neither with the British Government nor with the Indian community. Before the test case could be filed there were certain preliminary legal issues to be settled. These had been referred to the Transvaal Government as early as May previous, but reply to them was still being awaited. While the solicitors acting for the Indian community were thrashing these out with the State authorities, Edmond Fraser, secretary to the British Agent, acting under Greene's instructions, contacted Dr. Leyds, the State Secretary, and got him to agree to postpone the operation of the expulsion order until the State Attorney's return from Bloemfontein. Gregoroswky returned

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on the night of the 5th. Such, however, was the total lack of organisation and inter-communication between the State Attorney's and State Secretary's Departments that on January 6 the Government started taking action by arresting about 42 Indian traders on a charge of 'trading without licences'.

Stunned by the wholesale summary arrests, the Indian traders in a body went to the Agent and explained that they had in fact tendered the money to the authorities for trading licences regularly year by year, but it had invariably been refused as the Government did not wish to admit the right of the Indian traders to keep business premises in the town by accepting the licence money, and in any case a period of fourteen days of grace was allowed by the law from the 1st of January. The Agent thereupon contacted the State Secretary and in the afternoon on the same day orders were issued for the release of the Indian traders.

Two days after this, on January 8, 1898, the Indians filed a case in the High Court of the South African Republic to protest against the issue of the notices of December 14, 1897, by Meit Marras, Field Cornet, requiring Tyab Haji Mohammed and all clerks and hawkers employed in his shop to quit the town of Pretoria as residence and place of business before first day of January 1898,[5] and April 13, 1898 was fixed for the hearing of the case before the High Court. Following it, on February 24, 1898, in order that the High Court might be free to interpret Law 3 of 1885 in accordance with the award of the Chief Justice of the Orange Free State, the *Volksraad's* resolution of November 19, 1897 was repealed.[6]

But another hitch now cropped up. Messrs Rooth and Weasels, Attorneys for the plantiffs, had arranged verbally with the State Attorney that the test case should be regarded as final but, when they asked for a confirmation in writing on February 18, to their surprise they received a reply to the effect that the Transvaal Government did not wish to bind themselves in any way.[7] This meant that if the Indians lost this case it would be for them to institute another whereas they were hardly in a position to defray the expenses of even this one. The British Agent at Pretoria, however, advised the Indians that if they allowed the judgment to go against them by default, their case would be weakened, whereas if they gained their test case there would be time enough for Her Majesty's Government to intervene diplomatically, so as to prevent the Indians from being bullied into bringing further actions should the Transvaal Government decide to regard the question as still unsettled.[8] The High Commissioner in a confidential letter approved the action of the Agent at Pretoria, having been assured that general opinion in legal circles at Cape Town was that 'residence' could not be taken to include place of business and that if the Indian merchants chose to keep stores in the town for trading purpose only and to reside outside the town, there was nothing in the law itself to forbid their

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doing so.[9] To Chamberlain he reported that public opinion among the Boers was 'setting to some extent in favour of the Indians'. Two Burghers of Fordsburg, Messrs Warwich and Codzec, had recently visited Pretoria and presented to the Executive Council petitions from Klerksdorp, Potchefstroom, Krugersdorp, Johannesburg, Fordsburg and other places, numerously signed by Burghers, protesting against the removal of the British Indians and Chinamen "from whom the necessaries of life can...be obtained at lower prices and at longer credit than from the white shopkeepers". The same persons, Greene added, had also written to the newspapers pointing out that a counteragitation started by the shopkeepers of Johannesburg "was not in the interest of the poorer Burghers", and that "if the Government grants the request of others to expel Chinese and Indian traders, it will be doing the Burghers serious harm".[10]

As the date for the opening of the test case drew near, Gandhiji got in touch with the plaintiffs' counsel at Pretoria and, after a discussion of the case with him, submitted to him two notes dated April 4, 1898, in which, "with due deference to Counsel's opinion expressed when I was in Pretoria", he showed how in the first instance the terms 'coolie' and 'aboriginal races of Asia' had been loosely applied to Her Majesty's Indian subjects in South Africa and how subsequently their meaning and scope had been stretched arbitrarily from time to time in the absence of anybody on behalf of the Indians to protest against it (see *The Early Phase*, p. 449).[11] The hearing of the case was, however, postponed as the Transvaal Government had not yet filed its pleas in defence to the summons issued by the Indians.[12]

4

In the meantime, whether by accident or by design, the S.A.R. authorities had stepped up persecution of the Indians by enforcing laws and municipal regulations specially directed against them in common with other coloured persons in the Republic in a way that was never attempted before. The persecution fell mainly under four categories:

1. In March 1898, several Indians were punished with a fine of 5 shillings or in the alternative to undergo a week's imprisonment with hard labour for walking on the side pavement. In one case the bail was forfeited and in another a merchant had to furnish £2 bail for his appearance on the following day on a similar charge. A few days later an Indian trader was arrested when in the act of crossing the footpath from his bank. Under section 36 of the Regulations for the Town, under which the Indians were being prosecuted, coloured persons *(Kleurlingen)* were forbidden to walk on the ordinary sidewalks or street pavement and were compelled to walk on that part of the street used for horse and carriage traffic. But no defini-

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tion was given in the law itself of that expression. When the Indians' solicitor represented this to the Public Prosecutor he was informed that the coloured persons were forbidden to walk on the sidepaths and all Indians must comply.

On March 16, 1898 Mr. Greene, the British Agent at Pretoria, reported to Sir Alfred Milner that the arbitrary use of the word *Kleurlingen* in the Town Regulations was itself *ultra vires* of the Transvaal Government and the action under it was in fact a breach of Article XIV of the London Convention, but in view of the intransigent mood of the Transvaal authorities, pending instruction from His Excellency the High Commissioner, he had advised the Indians to avoid arrest for the time being.[13]

2. Similarly, under section 22 of Johannesburg Town Regulations, issued in terms of Law No. 9 of 1897, the Indians were precluded from making use of cabs, etc., that plied for hire. In Pretoria town drivers were forbidden by the Government officials to drive Indian merchants about the town and two cab drivers were actually fined for non-compliance.

3. Legally, Indians and Asiatics were under the same restrictions as the Kaffirs and coloured people, who under a law passed in 1888 were not allowed to be out after 9 p.m. without a pass. The law however had been allowed to fall into desuetude and the Indians were not interfered with as a rule.[14] But of late several of them had been fined 10 shillings for not being in possession of 'passes'. No mention of any such passes occurred in Law 3 of 1885. The only power it gave the Transvaal Government was to call upon the Indians to 'register' themselves with a fee of £ 3. To put a stop to the wholesale issue of such passes, the Agent on March 8 addressed a strongly worded note to Dr. Leyds, the State Secretary. This had the effect of stopping further arrests.[15]

4. British Indian merchants were refused first-class tickets at the railway stations. Sometimes the guard allowed them to make use of first-class compartments, when they were unoccupied, hanging up outside a placard marked *Kleurlingen.* In a crowded train, they had to stand on the board of the Kaffir's third-class carriages or take a seat with the latter. The manager of the South African Railway Company, when asked about it stated that the Company had no wish to prevent Indians from travelling first-class, but pleaded helplessness as the Boers objected to sitting next to Indians. He did not attempt to defend the Boer attitude but said that the Company was under no obligation to provide separate compartments for different categories of persons.

On receiving these complaints, Milner on March 23, made a reference to M.W. Searle, the Queen's Counsel, Cape Town, whether in his opinion a 'remonstrance' could properly be addressed to the Government of S.A. Republic on the ground that the treatment of 'Cape Coloured Persons' and the Indians was a breach of Article XIV of the London Convention. The

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opinion of the Queen's Counsel was that, where there was ambiguity as to the meaning of a Convention or Treaty, the probable intentions of the parties at the time of its execution should be taken into account in dealing with the question of its proper interpretation. The various disabilities of the Indians in the Transvaal under reference were entirely contrary to the spirit of Article XIV, even when they were not contrary to the letter thereof, and could fairly be objected to, but the Indians need not be mentioned.

Milner accordingly instructed the Agent to make a general representation to Dr. Leyds on the grievances of the Indians.[16] To attempt to make Indians take out passes was clearly a contravention of Article XIV of the London Convention. Prohibition to ride in vehicles plying for hire or to enter first-class carriages on the railway infringed the full liberty to travel, secured by that article to Indians as much as to all other persons, not being *Inboorlingen*. The practical difficulty arising out of the Boer aversion to sit next to Indians was there but that did not concern the British Government. The prohibition in regard to the Indians walking on the footpaths was clearly against the spirit of Article XIV but it was not directly contrary to the letter of it. The Agent was, therefore, advised not to make of it an issue of a 'breach of the Convention'.

As for the attempt that was being made to stretch the term *Inboorlingen* to include all *Kleurlingen*, the Agent was briefed that, whatever might be the correct interpretation of the term *Kleurlingen*, it could not be regarded as co-extensive with *Inboorlingen* and Her Majesty's Government would "certainly oppose most strongly the attempt to stretch the term *Inboorlingen* to include all *Kleurlingen* and by implication 'Cape Coloured People'.

5

Instructed by Milner, Greene called upon Dr. Leyds on March 30 and represented to him the grievances of the Indians.[17] Dr. Leyds denied that there was any persecution of the Indians or any attempt to humiliate them and prejudice the mind of the public, if not of the judges, just before the hearing of the test case, which was to decide their status as British subjects in the Transvaal. To Greene's argument that the action of the Transvaal authorities was inconsistent with the equal treatment secured by Convention to all persons other than 'Natives', Dr. Leyds' reply was that the South African Republic were entitled to pass any legislation they might think fit in such matters and that all the inhabitants of the Republic were bound to obey.

Greene rejoined that Her Majesty's Government could admit no right of the Transvaal Republic to pass any laws dealing especially with the

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Indians "other than such measures as might be in accordance with the prescriptions of Law No. 3 of 1885, as amended in 1886".

Incidentally, Greene raised the *Kleurlingen* question also. Since the London Convention of 1884, the Government of the South African Republic had substituted the term *Kleurlingen* and now they claimed the right to embrace any person in that category whom they might consider to have an infusion of black blood. This was an 'impossible contention' and Her Majesty's Government could never recognise the right of the Transvaal Government to deprive any person of the benefit of Article XIV of the Convention, "simply on the ground that a Landdrost or other authority might consider him 'coloured' ".[18]

With that he handed to Dr. Leyds a memorandum, remarking humorously that Dr. Leyds must not suppose that he was 'putting a pistol to his head'. On the contrary he was approaching him as one diplomat would another in the belief that by taking that memorandum as a basis of negotiations it would be possible for them to arrive at some 'friendly understanding' in the case of the Indians 'without battling over the exact limitations of the Convention'.

The memorandum was to the effect that Her Majesty's Government did not admit any distinction in the treatment of British Indians from that secured to British subjects in general, other than such as was contained in Law No. 3 of 1885-86, and that 'Dorps (township) Regulaties' of 1896 and the Johannesburg Town Council Regulations of 1898 were, therefore, not applicable to British Indians, notwithstanding the occurrence of the comprehensive term *Kleurlingen* in recent legislation, since they were not 'natives' *(Inboorlingen)* in the sense of Article XIV of the London Convention. They were not *Kleurlingen* either—the use of that expression being confined to the offspring of mixed marriages between the black and the white. In case, therefore, the Government of S.A. Republic wanted to make special enactments or regulations for sanitary and other reasons, *such proposals must be first referred to Her Majesty's Government.*[19] Meanwhile the Government officials must not prevent British Indians from making use of cabs that plied for hire, or of first-class privileges on railways as well as the issue of passes in addition to the existing registration, these being inconsistent with equal treatment secured to all persons, not being 'native', by the Convention.[20]

Following it, on April 25, 1898 Greene again met Dr. Leyds for a 'friendly' discussion of the four grievances in question. With regard to the complaint about the passes, Dr. Leyds admitted that there was no obligation on Indians to take out passes, which were issued *gratis.*[21] The infliction of fines on British Indians for not being in possession of such passes had arisen from a 'misunderstanding' by the pass officials who would be given proper instruction for the future. As for travelling in railway carriages,

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the Netherland Railway Company were constructing compartments in some of their carriages which would be attached to trains and reserved for Indians. In regard to a ban on walking on pavements, Dr. Leyds assured Her Majesty's Government that it was not the intention of the Boer Government to enforce this against the Asiatics.[22] The respectable classes of Indians were to the best of his knowledge not interfered with. Cab drivers were not interfered with provided they carried only the class of persons for whom they had the licences. They were free to take out licences for white people or for coloured people or for both, but they found that white people did not like to get into cabs out of which they had seen coloured people alighting. The majority of the drivers, therefore, took out a licence for white people only. There was nothing to prevent them from taking out a licence to carry both.[23]

As this was at variance with what Mr. Greene had previously understood, on April 27 he sent for Haji Habib Haji Dada for consultation. The Dada said that it was not a fact that a driver could take out a licence to drive both white and coloured people. It might be allowed by law but the officials always insisted on the licences being taken out either for white or for coloured persons. He had himself tried to take out a licence for both and been refused.[24] He offered to go again and ask for a licence to drive both white and coloured persons. The Agent approved of the idea. Haji Habib then went out and after some time returned to the office of the Civil Commissioner accompanied by three of the principal cab owners of Pretoria who all stated that they had no objection to driving Indian traders in their cabs but they had that very day applied for licences to drive both white and coloured persons and had been refused.[25]

Dr. Leyds replied to Greene's memorandum of April 25 on the same day. The substance of his contention was that the Constitution of the South African Republic was based on the principle that there could be no equality between white and coloured persons. The rights that were secured by Article XIV of the London Convention of 1884 to all persons other than natives were, therefore, under the express reservation that they should conform to the laws of the land. Admitting that British Indian subjects of Her Majesty could not be included among the 'Natives' *(Inboorlingen)*, this still did not alter the fact that they were coloured persons *(Kleurlingen)* and that they had in terms of Article XIV to conform to the law of the land in general as well as to the legal distinctions between the white and coloured persons in force.

As a consequence of the acceptance of the contention of Her Majesty's Government there would thus be two categories of coloured persons in the Transvaal, namely, "one which, excepting only the restrictions of Law No. 3 of 1885-86, would stand on a fully equal footing with whites, notwithstanding their being aliens, and another which is placed in a posi-

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tion of inferiority towards the white population notwithstanding their being home-born". The legal regulation of the coloured people by the State being a subject of 'purely internal nature', the Transvaal Government could not accept the stand of Her Majesty's Government that in case it was intended to make special laws or regulations for sanitary or other reasons respecting British Indians, the S.A.R. should submit such proposals to Her Majesty's Agent and His Excellency the High Commissioner for reference to Her Majesty's Government.[26]

Reacting strongly to Dr. Leyds's memorandum, Milner wrote back to Greene on May 13, that Her Majesty's Government could never admit the principle that where the Convention of London and internal legislation of South African Republic were in conflict, the former had to give way.[27] This ignored "the whole of the previous correspondence on the subject, the arrangement which led to the Bloemfontein arbitration, and the terms of the Arbitrator's Award". In support he quoted from section 41 of the Reasons for Award, where the Chief Justice of the Orange River Free State had stated that "when Her Majesty's Government insisted on a literal interpretation of Article XIV of the Convention ... they were within their rights" and on this ground had decided against the general contention of the S.A. Republic that "Article XIV of the Convention of London does not stand in the way of its making such legislative provisions as it may think fit in respect of 'coolies' (etc)".[28]

On May 18, 1898 Milner sent copies of all these despatches to Chamberlain. But Chamberlain was afraid of the skeletons in his own cupboard. In his reply of June 22, while noting that the High Commissioner's policy was not to concentrate on academic issues but only on redress of 'substantial' grievances of British subjects in the S.A.R., he sharply reminded Milner not to lose sight of what was being done in the neighbouring Colony of Natal with the consent and approval of Her Majesty's Government. "I presume," he wrote,

> you are kept fully informed of the position of British Indians in Natal where they are subject to certain disabilities, the existence of which might render it difficult for Her Majesty's Government to criticise or to resist the action of the Government of the South African Republic in similar circumstances.[29]

Indians were left to their own devices.

6

What is commonly known as the 'Coolie Test Case' came up before a bench of the Transvaal High Court on June 15, 1898, with Dr. Jorrison as the presiding judge. The other two members constituting the bench were Mr. Justice Morice and Mr. Justice Esser. Mr. J.W. Leonard, Q.C.

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was leader for the plaintiffs, assisted by Messrs J.S. Curlewis and J. W. Sauer. Advocates J.W. Wessels, Ewald, Esselen, Coster and Hummal appeared for the Seate. Messrs Massdorp Q.C., and Duxbury, instructed by Messrs Tancred and Lennon, watched the proceedings on behalf of Her Majesty's Government.

The crux of the question was the meaning of the words 'business places and residences' which the judges were called upon to decide. Mr. Wessels, the Attorney for the Government of the Republic, contended that 'place of business' was included in 'residence' and quoted references in support of his arguments.

Justice Esser interpolated: "The *Grondwet* states that there shall be no equality between Europeans and natives".

Mr. Wessels, replying in the affirmative, requested the court to give an extended interpretation and not a restricted one of law.

Mr. Justice Morice supporting the contention said that, in the appeal case mentioned by Mr. Wessels, the Chief Justice had held that an extensive interpretation must be given to the law.

Mr. Leonard, quoting a case, argued that an office was not a residence. The case Mr. Wessels had quoted could not form a precedent as the resolution of 1888, in which clear distinction was made between place of business and residence, was not published at the time the case was heard. But it was now in operation. He hoped that the court would not allow that decision to override the case under review. It was a wrong argument to set forth that the Government must decide the question of who must decide it; it was a question of what was the law.

On August 8, 1898, the Court decided, two to one, against the Indian traders.[30]

In his dissenting judgment Mr. Justice Jorrison said that the Transvaal Constitution was based on the principle of "no equality between the coloured and white inhabitants in either Church or State", but this contention could not be advanced to justify the State in adopting any measures it might deem proper with regard to the 'coolies', as the 'coloured persons' referred to in the *Grondwet* were those coloured persons who were then living in the country, namely, Kaffirs. That the 'coolies' were not included in this *Volksraad* resolution seemed to have been clearly realised when the *Raad* enacted a separate law for those people. Nobody had the right to give to the *Grondwet* 'an extensive interpretation' which could not have been intended by the legislators. Nor could the judgment delivered by Chief Justice Kotze, in the case of Ismail Suleiman mentioned by the Attorney for the State serve as a precedent as, when it was heard, the *Volksraad* resolution of the 5th July, 1888 had not been published. It had been since and therefore it held. In that resolution a sharp and clear distinction was made between 'residence' and 'place of business' and instruc-

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tions were given by the Government that the 'coolies' did not reside or sleep on their business premises. He was, therefore, in favour of the plaintiff's claim being allowed with costs.[31]

The general feeling of the Bar in Pretoria over the decisions of Judges Morice and Esser was described even in the Government organs as 'one of astonishment'. The *Star* commented: "From a purely ethical standpoint, the judgement is not fair or just."[32] The *Natal Advertiser*, while holding that "on public ground...there is no reason to regret the decision", thought that the decision of the High Court was "open to question".[33] The *Natal Mercury* hoped that the law would not be made retrospective or enforced in its complete severity. It was "grossly unjust that Polish Jews and the scum of Eastern Europe" should be allowed "to keep gambling dens, sell liquor to natives and do everything but trade honestly", while honourable and well educated Indians should be compelled to live outside the towns and prevented from pursuing legitimate trade. "The coolie... at his worst... is a more desirable neighbour than some of the Polish Jews who live in Johannesburg, and pursue all kinds of nefarious trades",[34] the Natal Government's mouthpiece concluded.

Even some of the Europeans were shocked. Mr. Titlebaum of Messrs Titlebaum and Robins said, "The coolies were honest people, who paid for their goods." If the law were put into operation at once, the merchants would have great difficulty in collecting moneys due by the Asiatics and there was about half-a-million of money, if not more, outstanding. "The poor people, especially the poor burghers, would feel the hardship entailed by the Asiatics being prevented from trading."[35]

Mr. Bockris, of Bockris Brothers, was of opinion that the Asiatic would manage to circumvent the law by engaging managers to conduct their business. The restrictive measure would affect the poor classes.

The Manager of Messrs Jagger & Co. thought no objection would be taken to the Asiatics hawking goods, it would not affect the soft goods merchants.[36]

In reporting to Milner that in the test case Indians were defeated Mr. Edmond Fraser, Her Majesty's Acting Agent in place of Greene, who had preceded Milner to England, pointed out that Judge Esser's findings were inconsistent with the ruling of the Arbitrator, that the High Court of the S.A.R. should interpret the law itself without reference to subsequent resolutions "to which Her Majesty's Government might...object as being amplifications of Law No. 3 of 1885....to which law alone they had given their sanction when asked".

Further, it was absurd to claim, as Justice Esser had done, that the *Grondwet*, which provided that there shall be 'no equality in Church or State' between the whites and the coloured people, overrode the London Convention of 1884, which secured equal privileges 'to all persons other

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than natives'. Justice Esser had contended that because the Transvaal Fundamental Law was in existence when the London Convention was made, Her Majesty's Government ought, if they had wished any privileges to be extended to British Indians, to have distinctly said so in that instrument. This contention was untenable.

> It was far rather for the Transvaal Government in negotiating the Convention to have asked for the insertion of the same very comprehensive word as occurs in the *Grondwet* namely *Kleurlingen* (coloured persons) instead of the far more restrictive term *Inboorlingen*, aboriginal native of South Africa which was admitted into the London Convention without objection.[37]

As for judge Morice's judgment it was 'little more than an apology for his decision'. For, in it he had stated categorically that in order to save the continuity of the judgments of the High Court of the South African Republic, he must abide by the former decision in Ismail Suleiman's case in 1888, (see *The Early Phase*, p. 393) but that, "had the case been *res integra* he would probably have decided in favour of the Indians now".[38] He had thus confessed "to sacrificing the whole status of Indians in the Transvaal to his personal desire to preserve the continuity of the Transvaal High Court judgments, quite forgetting that the chief reason for the Bloemfontein Arbitration in 1895 was that the ... judgement in Ismail Suleiman's case was inconclusive", if indeed—as remarked by the Arbitrator in his Reason No. 63—there was an actual decision on the important point of 'residences' and 'shops' at all. His judgment was therefore hardly worth discussing.

7

The Transvaal High Court's judgment threw the Indian traders into a panic. There were upwards of 10,000 of them in the Transvaal of whom 6,000 to 7,000 traded and lived in Johannesburg. The number of warehouses owned by Indians was close upon 1,000 and there were something like four times that number of hawkers. They could not do business in a location as they supplied goods to small store-keepers and also did a retail trade with visitors from the country who came with ready cash.

"If the law is enforced what action will you take," a reporter of the *Star* asked one of the Indian merchants.

"Personally I would do nothing," the merchant replied. "Rather than have my self-respect lost by going to a location, I would go back to India." This merchant had thousands of pounds worth of stock which it would have taken at least ten years to sell.

Another merchant said that it was grossly unjust that they should invidiously be discriminated against, although they were British subjects,

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kept their premises cleaner than the Russians and were much more honest than the Chinese, who evaded the law 'in every way possible'. The latter, when refused a licence, simply got a white man to obtain a licence for them and then acted as if they were the white man's servants getting a regular salary.

Asked whether the Indians also could not do the same, he replied, "No, we want to do an honourable business. We do not want to cheat..."[39]

Asked further what he would do then, he replied that they would call a meeting and decide to send a joint protest to the Transvaal Government and appeal to the Imperial Government to seek protection to which as British Indian subjects they were entitled.[40]

Accordingly, on August 19, 1898 the Indian traders cabled the decision of the Transvaal High Court to the Viceroy, Lord Curzon, and on August 21 sent petitions over the signatures of Messrs A. Appasamy, A. Chetty and H. O. Ally, that Gandhiji had drafted for them, to the Indian National Congress, Secretary of State for India and the British Committee of the Indian National Congress, protesting against the High Court's decision on the following grounds:

> (a) It was based on enactment of the *Volksraad* of the Republic passed subsequent to the Convention of London and was in direct conflict with the expressed terms of that Convention.
> (b) It was 'bad in law' and 'manifestly contrary to the true meaning and intent of the said law', and
> (c) It was final and no appeal lay therefrom.[41]

The petitioners concluded with a prayer for active intervention by Her Majesty's Government to save them from "the utter ruin of their business that would result if the proposed measures were enforced".

In forwarding their application to the Acting High Commissioner, the Acting Agent Fraser, suggested a bazaar for the Indians outside the locations for residence and trade and on October 4, 1898, Alfred Milner, Governor and High Commissioner for South Africa, wrote to Chamberlain recommending Fraser's suggestion.[42]

On October 19, 1898 the London Indian Society unanimously adopted a resolution urging Her Majesty's Government to take proper steps for the protection and equitable treatment of their British Indian subjects in the Transvaal. Dadabhai Naoroji, as President of the London Indian Society, circulated this resolution to the Ministers of the British Cabinet. A reply by S. McDonnell on behalf of Lord Salisbury, the Prime Minister, stated that his Lordship "would communicate with the Secretary of State for the Colonies". In a reply, dated November 29, 1898, Lord George Hamilton wrote that he was sorry that the efforts made to improve the status of British Indians settled in South Africa had not been as satisfactory as he could wish, but he would utilise "every opportunity to endeavour to secure

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for them the same rights and liberty of action which are enjoyed by other subjects of Her Majesty".

On receipt of the Indian petition, Sir W. Wedderburn M.P., as Chairman of the British Committee of the Indian National Congress, forwarded it to Chamberlain. On November 7, Chamberlain's Secretary replied that the petitioners appeared "to ignore the history of the matter which is contained in the Parliamentary papers". Chamberlain, he went on to add, was "about to confer on the subject with Sir Alfred Milner ... who is now on his way to this country".[43]

Commenting editorially on Chamberlain's reply, *India* wrote: "We have ... again refreshed our memory by reperusal of the Parliamentary papers referred to ... but do not find that they in any way advance the discussion of the problem." *India* saw in the last paragraph of Chamberlain's reply 'the sole gleam of hope or reason'.[44]

But neither Chamberlain nor Lord George Hamilton took any effective steps for the protection of the harassed Indians. Chamberlain was too engrossed with the Uitlander issue; he was little inclined to bother himself about the Indians' rights except as an appendage to the Uitlander question. He stuck to his old stand that he was bound by the decisions of his predecessors who had accepted the De Villiers Award. As for Lord George Hamilton, whatever he might have said when his *amour propre* as Secretary of State for India was touched, in a tussle with the Colonial Office India was to him but 'a savage country'.

If the British Government had been serious about it, there were reasons enough for going behind the Award. In the first place, as a correspondent pointed out in the columns of *India*, the Award was defective. It was no Award at all because, (a) the Arbitrator had ignored the very issue he was required to decide, viz., "whether a man's place of business is truly described as his habitation when he lived in a separate house", and (b) he had refrained from opening the other question, namely, whether the alleged sanitary reasons "on the strength of which alone the Colonial Office was persuaded to tolerate a law admittedly inconsistent with the Convention of London were or were not of the nature of false pretences". The Transvaal Government had further, in the statement which it submitted to the Arbitrator, asserted that the letter of Article XIV of the Convention of London did not entirely agree with the intention of the parties. If then on the ground of mistake the Transvaal authorities were permitted by the British Government to go behind the Convention of London, was it unreasonable for the British Government to go behind the Arbitrator's Award "which ... evaded the issue, and which had to do with a law approved by us only under the influence of representations now seen to have been false and misleading?"[45]

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Referring to Lord Hamilton, the same correspondent asked what efforts his Lordship or anybody else connected with the Government of India had made not so much to improve the status of the British Indian settlers as to prevent their ruin. "We can discover no available evidence of any such 'efforts'. On the contrary, the India Office appears to have stood by, if not smiling approval at least helplessly acquiescing, while the Colonial Office squandered with a lavish hand the legal rights and the commercial assets of a numerous class of British Indian merchants."[46]

An Englishman in an indignant letter to *India* hit the nail squarely on the head, pointing out that the root of Chamberlain's difficulty was that in the first instance a series of weak concessions had already been made to the Boers. Besides,

> Our own colonies in South Africa are just as bad offenders as the Boers, while there appears to be a unanimous determination on the part of the Colonial Premiers to hold together in pursuing this odious policy of repression of the Indians, whether by restriction or by exclusion.

The truth of the matter was, he went on to say, that it seemed "impossible for official Englishman to recognise frankly the fact that Indians are British subjects as well as themselves and to treat them honourably on that equal footing". Once the principle of equal treatment for British subjects was sincerely accepted, all the difficulties immediately disappeared. Would Mr. Chamberlain tolerate for one moment the same discrimination against English traders, he bluntly asked.[47]

8

Milner had thought that after the verbal assurance given by Reitz to Connyngham Greene in the course of their friendly discussion on April 25, 1898, the question of the Indian traders' grievances as to their right to use the sidewalks in towns and first-class carriages, and to drive in cabs plying for hire was practically solved. But in the wake of the Judges' crisis, when the South African League resumed its agitation and began to champion the cause not only of the Cape boys but of their 'Asiatic' fellow subjects as well, the attitude of the Transvaal Government on the Indian question again hardened. On October 14, F. W. Reitz, the new State Secretary in place of Dr. Leyds, wrote to Edmond Fraser in continuation of his letter of April 25, that, while his Government was quite willing when possible to meet the grievances of Her Majesty's Indian subjects, it found no reason in so doing to depart from the principle of a legal distinction between whites and coloured persons, such as was laid down in the Town and Municipal regulations and other laws of the Republic which, he maintained, was affirmed by Article XIV of the London Convention.

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As for the four grievances of the British Indians relating to denial or restriction of rights which the British Government claimed were assured by section XIV of the Convention to 'all persons other than the natives', not only were they modified by the Law 3 of 1885-86, in which Her Majesty's Government had concurred, but these modifications were also contained in the Award of the Chief Justice De Villiers. The High Court in the 'Coolie Test Case' had explained the law and the Resolution, and laid down that locations could be assigned to Asiatics both for business purposes and for residence. By these modifications of the Convention, the Indians had lost "not only their right to choose their residence, but also to choose their place of business, and of possessing fixed property; and all this with the concurrence of Her Majesty's Government".[48] The only right that remained to them was that of "equality of taxation with the Burghers of the Republic".

The Transvaal Government therefore regretted that they were unable to admit the right claimed by Her Majesty's Government for their British Indian subjects to make use of railway carriages and cabs which were reserved for white people, or to permit them to make use of sidewalks in towns.[49]

While this correspondence was in progress, Indians were more or less left in peace. They were no longer hindered from using the pavements in the town and also as a rule could find first-class accommodation on the railways.[50] This became the set pattern of the policy of the Transvaal Government in regard to the Indians. While firmly reiterating their right in principle to impose any special legal disabilities that they might think fit on the Indians in spite of the London Convention, they held in abeyance vigorous enforcement of the anti-Indian measures, knowing full well that they could turn on the thumb-screws whenever expediency demanded it in assertion of their fundamental stand that the London Convention could be interpreted only within the framework of the *Grondwet,* which denied equality between white and coloured people.

9

In the first week of November, Milner was called home for consultation. In his absence for a short while Major General George Cox, and then Lt. Governor Sir W. F. Butler, at one time Protector of Indian Immigrants in Natal (1893), became Acting High Commissioner; Edmond Fraser, Secretary to Her Majesty's Agency at Pretoria, taking the place of Sir Connyngham Greene. Following this, on November 15, 1898 the Executive Council of the *Raad* passed a resolution calling upon British Indian traders to remove from towns after expiration of a certain specified period of time. The principle of oriental bazaars outside locations for residence and trade

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was accepted and the Government promised to allocate ground for the purpose. Indians not possessing shops in towns were to remove to locations by the end of January 1899—small traders after three months' notice and large merchants after six months. The Government would consider separately any special cases of long lease, etc., and those possessing fixed property—very few in number—would receive special consideration on the merits of their cases.[51]

Publication in the *Staats Courrant* of November 19, 1898, of this notice brought the question of the status of British Indians in the Transvaal to a crisis. Fraser, thereupon, opened negotiations with the State Attorney and other officials of the Government of the S. A. Republic for a compromise and on December 13 submitted to the Acting High Commissioner a draft of proposals approved by the Transvaal Government, covering the entire colour question.[52] Pending negotiations for a different settlement of the colour question, the Transvaal Government issued a notice suspending action on their notice No. 621 until February 1, 1899. Suspension, Fraser intimated to the High Commissioner on December 22, would be prolonged, if necessary.[53]

According to these proposals all existing traders of the coloured class and their coloured employees, other than the aboriginal natives of South Africa, would be left undisturbed in their places of business, and exempted from the operation of existing monthly passes and badge regulations, etc., provided the future immigrants were obliged to reside and trade in locations and pay a registration fee of £ 25 instead of £ 3, on no other ground than their colour. This was further subject to the condition that on cessation of existing business no transfer would be permitted to others than white successors within any town, saving only to the brothers and father's brothers of existing owners.

On December 28, 1898 Butler forwarded these draft proposals to the Secretary of State for the Colonies with his approval. This arrangement he thought, while it would protect during the life-time of the incumbents existing Indian vested interests, would result in their automatic extinction with the passage of time and remove the fears of the Transvaal Government, whose policy was "the prevention of future mingling of the white and coloured race in political life". Coloured people other than Asiatics and natives, on the other hand, would under this arrangement 'lose nothing of the few privileges' they were allowed to enjoy. They would be free from wearing the obnoxious badge, from paying for a pass and that every month, and left unmolested in the town premises which they might be already occupying.[54]

In view of the compromise talks, on January 30, 1899 the Government notice about the removal of the traders was again suspended and orders were given to issue the trading licences for the first quarter of the

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year. But while giving orders to issue trading licences under Law 21 of 1898,[55] the Transvaal Government verbally informed Indian traders that the licences would be renewed on the understanding that the extension was intended to enable them to dispose of their stocks. The Indians consulted the Acting British Agent, who advised them to intimate to the Civil Commissioner that they would accept the licences provided that no written conditions were attached to them. To this that officer agreed and unconditional trading licences were issued to them. The Mining Commissioner of Johannesburg, however, refused to issue any hawking licences to Indians unless under the condition, which was in no way contained in the law, that they should after the first month trade only in locations. It was only after they had been out of work for a fortnight that licences were issued to them without a condition as a result of a representation made by the Acting Agent to the State Attorney. At Johannesburg three Indians were arrested for continuing to sell their wares on the public squares after they were refused a licence. They were subsequently released on £ 35 bail. In the little town of Heidelburg no Indian trader, even of high class, was allowed to walk on the pavement although for years they had walked there unmolested.[56]

10

Milner was then in England. He very strongly objected to the terms of the proposed draft agreement which, while providing a short reprieve to existing Indian vested interests, in effect made Her Majesty's Government an assenting party to the extinction of the rights of another section of their subjects.[57] According to the British view the Cape Coloureds were protected, in spite of their being 'coloured persons', by Article XIV of the London Convention which, Her Majesty's Government had contended, stood above the *Grondwet* in virtue of the British suzerainty over the South African Republic. Fraser had told the Acting High Commissioner, Sir William Butler, that he was using "a threat to declare Cape (coloured) people entitled to full privileges of other British subjects ... as a lever to extract concessions for Asiatics".[58] But with Chamberlain the question of the rights of the Asiatic was subsidiary to the issue of suzerainty in the struggle for power with the Boer Republic. He instructed Milner and Greene to take action on Fraser's draft agreement on their return to South Africa. On February 14, 1899, he telegraphed the High Commissioner, strongly disapproving of the terms:

> You should bear in mind in considering cases of Indians and others that the acceptance by us of any distinction on the ground of colour or race alone will place us in a very awkward position in Natal, the Cape

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and Australia. Such recognition has been refused in case of British subjects, and we have only accepted such conditions as health, poverty or education, etc., as tests of immigrants.[59]

Before the High Commissioner could take any further action, on February 13, 1899, Kruger issued his proclamation prohibiting entry of all Asiatics into the Republic as a precautionary measure against the plague (see Chapter IX, p. 202). Lacking genuine sympathy with the Indians, the Colonial Office seized upon plague as a handy excuse. Minuted one Colonial Office official: "We must make the most of Bubonic plague as an excuse for not intervening just now."[60] But Milner, who had returned from England after his consultations with Chamberlain fully determined to bring the long-drawn dispute with President Kruger to an issue and to settle it once for all, directed the Agent at Pretoria to inform the Transvaal Government that the 'extravagant' proclamation issued by the President of the Republic was regarded by Her Majesty's Government as an infraction of the provision XIV of the Convention of London. If the Government of S. A. Republic did not see their way to taking the precautions necessary for protecting the public health without infringing these provisions, "it was open to them to represent the circumstances to Her Majesty's Government and to ask to be relieved temporarily and to the extent requisite, to enable them to deal with the particular emergency, from the obligations of Article XIV". By not doing so, they had put themselves 'entirely in the wrong' and if the Proclamation came to be enforced 'very serious questions' might arise out of it.

> And I think it only fair to the Government of the South African Republic to give this intimation that the infraction of the Convention has not escaped my attention, and that if, under the special circumstances of the moment, I am slow to move in the matter, my forbearance must not be construed into any intention to allow the provision of Article XIV to become a dead letter.[61]

In another directive he asked the British Agent at Pretoria to let the Transvaal authorities understand that Her Majesty's Government would 'refuse probably to confirm any agreement' until the Proclamation, which was an 'offensive' one, was withdrawn, and in the meantime to suspend the compromise talks.[62]

On March 18, 1899, after the offending Proclamation had been modified the talks were resumed. But in the new draft the term 'Asiatics' was substituted throughout for 'coloured persons'. The result was what was but to be expected, or was perhaps intended.

J. C. Smuts to C. Greene *Pretoria, March 29, 1899*

> The Government considers our proposal quite unacceptable. The only real inducement that they had for a compromise was the inclu-

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sion of the Cape boys and other coloured aliens in the same rule. By a separate treatment of the Coolie question they consider that nothing will be gained from their point of view. Unless you therefore propose to revert to the scheme as proposed by Mr. Fraser, the Government will take immediate steps for the better regulation of the coolie question by a Government notice in the *'Staats Courrant'*.[63]

Greene wrote back that he was referring the point to His Excellency the High Commissioner. Pending his reply, he hoped, no action would be taken against the Asiatics.[64]

Milner replied on April 4:

> I cannot possibly barter away the rights of other coloured people in order to get reasonable treatment of Asiatics. There is absolutely no justification for sacrificing one class of British subjects in order to help another class.[65]

At the same time he gave secret instructions that the reply which he had furnished was not to be delivered to the Transvaal authorities until asked. He was not sure what attitude Her Majesty's Government would wish to adopt if expulsion was actually proceeded with. Pending their answer he wished to gain time.[66] To London he telegraphed reporting that the negotiations about the Asiatics had broken down and asked for clear instructions:

> We may expect daily the order of expulsion, and Greene asks urgently for definite instructions as he is beset by Indians who are clamouring to know what they are to do. The only remaining point we can take, if they try to drive all Indians into locations, is that it is provided by law that streets, ward and locations shall be pointed out to them by the S.A.R. Government and that it is not in accordance with law to drive all Asiatics indiscriminately into locations.[67]

But the Government of S. A. Republic, Milner went on, would in that case certainly reply that interpretation of law rested with the court according to the Arbitrator's decision, and that Indians could appeal to the court if they were not satisfied. Unless, therefore, they were prepared "to take a strong line and say, meaning to stick to it" that they would not allow Indian traders to be disturbed, unless and until they were satisfied that the places assigned to them were as little inconvenient as possible, having regard to the sanitary considerations on which the law was based, "it would be fairer to tell them right out that they must go where they are sent as we have done what we can".[68]

Compromise talks having failed the Indians were again made to feel the full weight of anti-Asiatic measures, making life for the Indian traders in the Transvaal a veritable nightmare. Menaced from month to month with expulsion, their business virtually brought to a standstill by reason of insecurity as to the future, they found themselves at the mercy of inept

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S.A.R's officials, who did not understand the question, mixed up one set of licences with another—those for traders, for instance, with those for hawkers—and interpreted the instructions from Pretoria according to their own sense of fairness. Arbitrary, capricious and conflicting decisions of the Transvaal authorities made confusion worse confounded. On April 16, 1899 twenty hawkers of Heidelburg were refused licences. The licences for April-June, 1899 were later issued to them on Mr. Greene's representation to Smuts, who wired to the Landdrost. Joseph Hajee Omar, a respectable Indian fruit store-keeper, was informed by the Manager of the tramway company that had for the last fifteen months carried him to and from his place of business, that they would not allow any more Indians to use the cars, having been so instructed by the Government. One of the conductors even threatened the fruiterer that he would be 'chucked into the street' if he set foot on the car. Yet Smuts, when the matter was referred to him, said he knew of no such instructions having been given by the Government. An explanation being demanded of the Manager of the Company, he stated that under the Company's rules and regulations 'coloured' persons were not allowed to travel on the Company's cars "except as nurses to white children and when accompanying their master or mistress with the consent of the conductors". If J. H. Omar had been allowed to travel before it must have been under the presumption that he was accompanying some European employer.[69]

11

Smuts proved as good as his word On April 21, 1899 Greene informed Milner that the Executive Council refused to postpone their decision, ordering the Asiatics to remove to Locations by July 1st next, and the notice concerning the same appeared in *Staats Courrant* of April 26, 1899.[70] Thereupon Milner again wrote to the Home Government pressing for 'a quick and clear decision' if anything was to be done for the Indians.

> In the fog in which we are as to the intentions of the Government of the South African Republic it would be some comfort if we could make up our mind as to what we will and what we will not allow.[71]

Personally, he had no doubt that since the Law of 1885 spoke of 'streets and wards and locations', the persons to which it applied, or some of them, should be provided for in *towns*, otherwise the words 'streets and wards' were 'meaningless'. Besides, the power which the law gave to the Government being distinctly for 'sanitary purposes', indiscriminate removal of all Indian traders into the locations was clearly contrary to the whole spirit of the law. But then the Arbitrator had decided that the courts alone could interpret the law and Her Majesty's Government had acquieseed in that

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decision. It would, therefore, certainly be much embarrassed in making any further representation by the terms of the Arbitrator's decision. The only ground which the British Government could take was 'the broad ground' that the general order for the removal to the locations was contrary to the spirit of the amended law of 1885, 'and to any that we could have been supposed to have contemplated', and involved such serious consequences, 'in fact complete ruin', to a large number of British subjects, that they could not allow it to be carried into effect.

In any event, Milner hoped, Chamberlain would approve of his contention that the Government of S.A. Republic had no right to interfere with the Indians' hawking in the town. Their residences were affected by the provisions of that law but there was absolutely nothing in that law which could by any possibility be held to justify interference with their carrying on their trade, involving as it did no fixed establishment in any place where hawking was allowed.[72]

Chamberlain, however, was still unprepared to take a firm stand on behalf of the Indians. In a despatch to the India Office he spoke about "the extreme improbability of strong representations in favour of the Indians generally, having any good result ... and the certainty that such representations would be highly unpopular all over South Africa". Milner accordingly instructed Greene to tell the Indians that they should obey the orders but report cases of harsh treatment to him. At the same time the Agent was asked to direct his efforts towards 'inducing' the S.A. Republic to carry out their latest Proclamation to treat the Indians 'as favourably as possible'.[73]

This the Agent at Pretoria now set himself to do. In an interview with the Agent on April 27, Smuts had assured him that his Government had no desire to deal harshly with those Indian traders who were established there and had vested interest in the shape of leases and legal contracts, the object of the Government being "rather to restrict immigration in future than to interfere unduly with those who had settled in the towns and put money into their business".[74] The question of the reissue of licences to the hawkers after June 30 he had left to be decided later. Taking advantage of this assurance, Greene, after consultation with the Indian traders, proposed to the State Secretary that a block of ground should either be purchased by the Government and let to Indian traders, or else the Indian traders should be allowed to acquire in their own name or in that of a third party a block of ground *inside* Pretoria and Johannesburg, where they would erect their own shops in the form of a street, and close all their existing shops in various parts of the town. By this arrangement Indians would acquire quasi, if not wholly permanent, trading centre inside the town and not merely outside as in the originally suggested scheme for a bazaar, while the Government of S.A.R. would get rid of the scattered shops which were objected to

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by the white traders. The State Attorney had further promised to give his best attention to the question of leases under which the Indian traders were holding their existing premises, it being of course understood that the Indians would all sleep in the locations outside the towns and only come in the day for business.[75]

12

Legalities of a case are generally regarded by people—and by none more than members of the legal profession themselves—as 'debating points' which can be used, if one is clever enough, to prove that white is black and *vice versa.* Gandhiji had, however, early come to look upon the profession of law as a means for the vindication of justice, which in its turn calls for an assiduous search for truth. He was therefore very much taken up by the dictum of Fredrick Pincutt, the English barrister, whom he had met in London on the eve of his return to India after completing his law studies, that 'facts are three-fourths of the law'. His senior counsel, Mr. Leonard, the famous barrister of South Africa, had further taught him to search deep for facts. "If the facts are on your side," he used to say, "the law will take care of itself." He now brought the same dictum to bear on the Indian traders' case.

Milner in his despatch to Chamberlain of April 26, 1899 had taken the line that, though he had no doubt in his mind that justice was on the side of the Indian traders, Her Majesty's Government having acquiesced in the Arbitrator's Award and the High Court of the S.A.R. having interpreted the law advesely to the Indian contention, all that Her Majesty's Government could do was to try to secure as generous a treatment for the Indians from the South African Government as possible. Taking up the argument where the High Commissioner had left it, Gandhiji in a memorial dated May 16, 1899 addressed to Chamberlain by the Indians, argued:

(1) Her Majesty's Government were bound to take note of the fact that the Law gave the S.A.R. authorities the power under certain conditions and with respect to certain persons only. The latest note, unlike the previous ones, closely followed the law of 1885-86, which gave the Government the right to segregate 'for sanitary reasons' persons belonging to "one of the aboriginal races of Asia, including the so-called Coolies, Arabs, Malays, and Mohammedan subjects of the Turkish Empire". The Government of the S.A. Republic must therefore prove to the satisfaction of Her Majesty's Government that sanitary reasons did exist for the removal of persons affected by the Law, and that those reasons, and those alone guided their action, before they could summarily remove such persons to Locations.

(2) Further, they must prove that the British Indians in the Transvaal were the persons referred to in the Law. They were "certainly not Arabs,

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neither Malays, nor Mohammedan subjects of the Turkish Empire". They claimed to be "loyal, peaceful subjects of Her Most Gracious Majesty the Queen Empress whose protection they seek in their struggle against prejudice and trade jealousies", and they emphatically protested against the term 'coolie' being applied to them.

(3) Finally, the Law gave the South African Republic power to send them to fixed streets, wards and locations for habitation in the respective townships, but not the power to force them into a small Location on a spot which, in the words of His Honour the late British Agent, was "used as a place to deposit the refuse of the town without any water except polluted sullage in the gulley between the Location and the town" and which "must inevitably result in malignant fevers and other diseases breaking out amongst them, whereby their lives and the health of the community in the town would be endangered". Streets and wards assigned to them, therefore, ought to be selected "in a more convenient place in the townships themselves, if there were no other reasons than the sanitary".[76]

The despatch of this petition, however, was delayed pending the result of a conference between the High Commissioner and the President of the Republic that was to be held at Bloemfontein on May 30, 1898, when it was expected that the Indian question also would be discussed. In answer to a question by Sir Mancherjee Bhownaggree in the House of Commons on May 2, Chamberlain had said that he had recently instructed Sir Alfred Milner on the subject and the matter would "no doubt be discussed by him and President Kruger".[77]

Anticipating, however, that the conference might prove abortive, in which case much valuable time would be lost, when time was of essence in the matter, Gandhiji had a copy of the Memorial sent to Mr. Wedderburn. "It may not even be sent," he wrote in his covering letter. His fear came true. The conference broke down on the major issues. The Indian question was not even taken up.

13

The final notice of expulsion to the Locations before or on July 1, 1899 opened up a bleak prospect before the Indian traders. Affected by it were owners of 619 to 669 stores, big and small, and over 4,800 hawkers all over the S. A. Republic. Of these, owners of 300 to 400 stores and about 4,000 hawkers lived and traded in Johannesburg and suburbs. The store-keepers possessed unliquidated assets estimated in the aggregate at about £ 375,000, the corresponding figure for the hawkers being about £ 400,000. In respect of them the writer of 'Indian Affairs' in the *Times* wrote:

> Some of these are men of wealth and position, accustomed in their

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> own country to the amenities of an ancient civilisation, and to dignities and honours as the reward of commercial enterprise or public spirit. They belong to the classes which supply a valuable element in the governing bodies of the great Indian municipalities, and from which able members of the Indian Legislature are drawn ... these merchants are the fellow-countrymen of the young ... scholar bracketed Senior Wrangler at Cambridge this summer, of the young administrator who the other year headed the Indian Civil Service list, of the young savant, who lately received an ovation from Englishmen of science, and of the young Indian artist who has just arrived with goodwill from Paris, Munich and Rome.[78]

Yet in the Transvaal they were, as the writer in the *Times* put it, being treated in a manner "which the friends of England watch with wonder and her enemies with delight".

Apart from store-keepers and hawkers, Indians were employed to a limited extent as coolies, hotel waiters, coachmen, gardeners, labourers, street scavengers, stone-breakers and in the Town Sanitary Service. At several of the principal hotels in Johannesburg Indians were employed in preference to white waiters, owing to their "civility, sobriety and to their being more amenable to discipline". The scale of remuneration, though meagre by European standards, was sufficient for their needs. Hotel cooks earned £ 12 to £ 15, hotel waiters £ 6 to £ 8, gardeners £ 4 to £ 6, labourers £ 3 to £ 4, street scavengers, stone-breakers and sanitary employers £ 3 as wages per mensum. Living was cheap, rice sold at 2½ pence per lb., the passage money from India to Delagoa Bay by ships owned by Arab merchants was £ 2 per head, excluding rations; railway fare from Delagoa Bay to Johannesburg came to £ 2.4s. Such of them as were in the employ of white employers or in the service of the Transvaal administration were not affected by the expulsion order, but those who were attached to or were in the employ of coloured persons were affected.

Hawking was permitted in cities on obtaining a licence for which they had to pay 10s. per annum. This applied to all hawkers, irrespective of race or colour. But trade, so far as Asiatics were concerned, was permitted only in certain streets and locations especially assigned to them.

In the early days of Johannesburg 96 stands were set apart as a location for Asiatics situated in the Brickfields. This quarter was known as the 'Old Coolie Location'. 'Asiatics' were allowed to acquire these stands and they had full title to them, the only restriction being that they could not be sold. except to people of their own class.

Owing to the large increase in the Asiatic population, the Brickfields location (Malay location) had become overcrowded. In consequence another location (Tobianski's Farm) had been set apart for them. In this location they were permitted to lease stands, for which they paid by way of hut tax a sum not exceeding 7s 6d. per month. But the owner of the stand here was

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merely an occupier; he had no power to sell it, nor could he sublet it or a portion of it. The regulations further provided that he must not have more than one hut or dwelling thereon and that a hut or dwelling must not, without the consent of the authorities, be occupied by more than six persons—unless a family consisting of parents and children exceeded that number. Previously, if six 'coolies' shared a hut, the rent was nominal, but under the new restriction the incidence of rent became too heavy for the poorer class.

Not all the hawkers could be expected to buy land and erect their own buildings on the Locations. Indians with means had been doing it for them. But in the new locations proposed for the Indians the terms of the agreement made by the Government pointed to others than Indians being given that right.

The Location, where the Government proposed to place the Indian traders and hawkers, was at a distance of four and three quarter miles from the Johannesburg Market Square, the central part of Johannesburg. Stage coach fare was 3 shillings to within a mile of this site. From the existing Indian quarter to the new site was sixty-five minutes' and from the Post Office to the centre of the new site ninety minutes' brisk walk for a man.

The Location was called Vatervaal, but there was no waterfall or even water there. Half way up the hill was a well with water lying at a depth of 48 feet. There were no water pumps, no wind-mills for raising the subsoil water nor any artesian wells; no sanitary arrangements, nor police protection; and the place was situated in the vicinity of the dumping ground where the refuse of the town and nightsoil were deposited. Even the Kaffirs, who were mostly labourers and not affected by the disabilities in respect of trade, had lodged a protest against the move which one of them described as 'a damnable outrage', and a 'hell-inspired scheme' about which it was difficult 'to speak composedly'.[79]

Unprotected from storms, the Location was absolutely unfit for trade, as there were no people within a radius of two miles and it was neither frequented by Europeans nor by the large stream of Kaffirs continually passing through Pretoria, who were the chief customers of the Indians. The hawkers could not be expected to walk with their wares from and to that place every day. And if the hawkers were eliminated, the Indian traders whose wares they hawked would be starved out. To ask the Indians to remove to this Location, was, therefore, practically asking them to leave the Transvaal.

In Pretoria in Prinsloo Street, John Frazer Parker, a coloured storekeeper, had built wood and galvanised iron buildings on his leasehold valued at over £ 4,500, which he had rented to Indians. The value of their tenancy,

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according to the current rental, apart from the leasehold property, amounted to £ 19,380 during the unexpired eight and a half years of his term of lease. Their removal to Vatervaal would have spelt not only their ruin but financial ruin for Frazer Parker also.

Luckily for the Indians, this was when the Republic's Cape friends—Schreiner and Hofmeyr with Steyn of the Free State—had renewed their pressure on President Kruger to placate Milner by making further concessions to the Uitlanders. Schreiner was pressing Smuts 'to do right though the Devil jeers', and Smuts was striving every nerve to liberalise the draft Franchise Bill.[80] On June 30 the order asking the Asiatics to remove to locations by July 1, was again not enforced. Under the new order, issued in its place, those who asked for an extension of time were granted three months; those who had obtained leases before 1889 were allowed to remain till their leases expired; and those who had fixed property before the law was passed could remain so long as they were owners of the property. Some special cases were reserved for further consideration.

The Sword of Damocles thus kept hanging over the Indian traders' heads, paralysing all business. "This comes of the ... mischievous action of British diplomacy," commented *India*, "in staking the Bloemfontein Conference on the Uitlander franchise alone, with the certainty, if not with the definite intention, of failure."[81]

Not knowing what to do, the Indian traders turned to Gandhiji. On July 15, 1899, he saw Reitz, the State Secretary at Pretoria in his individual capacity and told him that while, with regard to their grievances, the Indians must in future as they had done in the past, lay them before their own Government, he had come to him as man to man to plead for magnanimity for a section of the people who, even his Burghers admitted, "possessed great antecedents, were ... most law-abiding, and instead of being in any way a harm to the Burghers of the State ... were rendering a humble but useful service to them in their various pursuits".[82] Reitz had had many a round at the diplomatic table with his opposite number. He had met every move of the latter with a matching countermove. But in Gandhiji he found a coin of a different mintage. Deeply impressed by his sincerity, poise and dignified straightforwardness, he gave Gandhiji a long and patient hearing.

Gandhiji drafted a petition to Chamberlain for John Fraser also and on July 20, 1899, waited on Sir Connyngham Greene with a deputation, consisting of Haji Habib Haji Dada, H. O. Ally and Abdul Rahman, to invoke the intervention of Her Majesty's Government on the grounds set forth in their Memorial to Chamberlain of May 16, 1899. In addition, the deputation represented that, although there was no prohibition in law against the Indians' owning land in Locations or dealing with it as they chose, the owners of stands in the 'Coolie Locations' had been notified by the Republic that only they and their families would be allowed to reside on the

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Stands. The restriction was unwarranted. Any scheme for the removal of the Indians, whether hawkers or others, should give them the same proprietory rights in the Locations as to the other communities in the town generally. To give that right to any but Indians, as was now being proposed by the Transvaal Government, would be gross injustice. Finally, they prayed that since removal of Indian store-keepers to Locations would mean certain ruin for them, pending the result of intervention by the Home Government, the existing store-keepers should be left untouched. The hawkers could, if absolutely necessary, be removed to a Location, if it was suitably situated and otherwise unobjectionable; and, while the matter was in the course of settlement, the time limit should be extended to enable the Indians to obtain temporary licences. In the alternative an understanding should be arrived at in the meantime that they would not be interfered with in pursuit of their trade.

> Also, with the prospect of the Indians generally being shifted to Locations, would it be too much to expect a change of official name 'Coolie Location' to 'Indian Location'?

The *Star* published an interview with Gandhiji setting forth the Indians' case. The *Transvaal Leader* strongly criticised the Transvaal Government's action 'at the present critical time', and condemned the selection of the site at Vatervaal for the Location as having been made 'for the benefit of the concessionaire who owns the farms'.[83]

Both Chamberlain and Milner had known well all through that the anti-Asiatic movement was 'undoubtedly, due in the first instance to jealousy' on the part of white traders, almost all of whom were British.[84] But they did not wish to antagonise British settlers by pressing the Republic too hard on the score of its anti-Indian legislation and run the risk of their making common cause with the Afrikaners, the majority of whom 'habitually take side against coloured people'.[85] But by August Milner had succeeded in getting British opinion in South Africa solidly behind them against Kruger. It consequently became practicable to take a stand on behalf of the Indians which they had not ventured to attempt before. When, therefore, in the third week of July, the Indians invoked intervention by Her Majesty's Government in terms of their Memorial to Chamberlain of May 16, 1899, Chamberlain gave the green signal and instructed the High Commissioner that the Republic should be notified that "we ... claim strict compliance with the sanitary reasons for applying the (segregation) law of 1885, so as to exempt Indians who can produce a medical certificate that their premises are not insanitary..."[86] Since this amounted to a repudiation of the Arbitration Award, Greene suggested that the presentation of this note should be deferred, as it was by no means certain that the Government was going to remove the Indians after all; but Milner, now that he had Chamberlain's

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full backing, ordered Greene to deliver the note forthwith.

The Indian traders waited upon Vice-Consul Emrys Evans who said to them in effect: "Ignore the notice and if any force is attempted I will protect you." He afterwards saw Dr. A. E. J. Krause, the then Public Prosecutor, with whom Gandhiji had earlier made friends (see *The Early Phase*, p. 311) and who had had his differences with the Attorney-General, Smuts. Dr. Krause assured him that he had received no instructions to prosecute in cases where the people refused to go into locations. When, therefore, President Kruger proposed to remove Indians from the Malay Location and send them to the Tobianskey Farm, they refused to remove and remained firm despite police investigations and the detectives entering their homes. The Vice-Consul drew up a scathing report and ultimately the Transvaal Government rejected the location.[87]

In the result Indians were permitted not only to trade, but even to reside outside locations. (Reported J. Emrys Evans, Vice-Consul in his despatch No. 16, dated Johannesburg, December 3, 1898, that Indians who had no vested interest prior to 1898, were "not allowed by law to trade outside the location set apart for them. But they have so far been successful in evading the law by getting white men to acquire property for them and take out trading licences".[88] Indians were also permitted to own fixed property outside locations through nominal white trustees.[89] Eugene Marais said in his evidence before the Asiatic Commission: "It is a fact that the late Republican Government appointed trustees to hold fixed property for Indians."[90] In fact Mohamed Ismail who had purchased certain stands in Klerksdorp in 1888 had been permitted by the Government to register his purchase in the name of the Mining Commissioner as trustees.[91]

At the outbreak of the war the British Government suddenly remembered that they were 'trustees' not only "for our brothers in Canada, in Australia, and at the Cape", but trustees also "for our fellow subjects of different races and of different colours—the Negroes of South Africa and the Indians of India—trustees for all those and for the unborn children of theirs". Was it or was it not their duty to see, Lord Selborne asked, "that the rights and future interests of these shall be maintained?"

In the first week of November 1899, in a speech at the Cuttler's feast at Sheffield, Lord Lansdowne, Under Secretary of State for the Colonies, declared that

> among the many misdeeds of the South African Republic, I do not know of any that fills me with more indignation than its treatment of the Indians. And the harm is not confined to sufferers on the spot; for what do you imagine would be the effect produced in India when these poor people return to their country to report to their friends that the Government of the Empress, so mighty and irresistible in India with its population of 300,000,000 is powerless to secure redress at the hands

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of a small African State.

One of the seven demands eventually made in the British ultimatum was "the concession of most-favoured-nation rights to Great Britain ... in all matters affecting British interests or the position of British subjects, whether white or coloured".[92] In other words, non-white British subjects in the Republic should have the same civil rights, though not the same political privileges, as the whites.

Now that the British Government seemed to have woken up to its sense of duty, the Indians thought the end of their troubles was in sight. They could not have known then that the ultimatum was not intended to form a basis of settlement "since the British Government knew that it meant war".[93]

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CHAPTER XII

IN KING'S UNIFORM

1

On October 11, 1899, the ultimatum having expired at 5 in the afternoon, the Boers came riding over the frontier into Natal and into Cape Colony. Farmers and shop assistants, civil servants and lawyers all flocked to the colours and rode off, singing *Volksleid.* A short, sharp lesson to the stupid English, they thought and it would be over—and then back home with tales of adventure and glory.

"Kruger won't last a fortnight", "The Army'll ruddy soon put paid to old Kruger's caper", they were saying to each other in London—not without a glow of compassion for "the foolhardy farmers who had been spoiling for a dust-up for years".[1]

Britain at the close of the nineteenth century was wealthy, and in the flush of her full power as contemptuous of the strength of her antagonists as she was over-confident of her own. Incurring a large military expenditure in peace time she had deprecated as sheer waste. The Transvaal, on the other hand, had long been buying munitions from leading arms factories in Europe. The Mausers with which the Boers were equipped were superior to British Lee Metfords. Kruger had five magazines for every male Afrikaner and a stockpile of 25 million cartridges in his arsenals. In addition he had bought some of the heaviest long-firing field-guns yet made—Creusots, which fired a 96 lb. shell with an effective range of nearly 10,000 yards, and large supplies of the much-dreaded one-inch quick-firing pom-poms. Consequently, when war was declared, numerically and in terms of armament the advantage lay with the Boers.

As early as September 6, the Natal Ministry had sent an urgent message for reinforcements.[2] The War Office had been advised that to render the Colonies absolutely safe an addition of 10,000 men to the garrison would be ample. But it would have been impossible to send 10,000 men from England without calling up the reserves, and this step it was feared would precipitate war. On this issue Lord Lansdowne, the Secretary of State for War, and Viscount Wolsley, 'the Commander-in-Chief at Home' were sharply divided.[3] It would take thirteen weeks for the expeditionary

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force fixed by the British War Office to be ready and the Boers would be able to put 40,000 troops in the field in as many days. India was holding in readiness 10,000 troops. Lord Lansdowne saw no reason why they should not be used for the purpose of strengthening the garrison in Natal. But Viscount Wolsley was of the view that shipping hired from Bombay cost more than in England. Besides, he thought poorly of the battalions in India, being of the view that "the battalion which lost us Majuba was an old one from India".[4] While these questions continued to be debated much precious time was lost.

The British Government, by setting up the Basutos, the Zulus and the Bechuanas and other African tribes against their old enemies, could have created an extremely serious situation for the Boers. But they ruled this out as being "contrary to the whole policy of the Imperial Government in South Africa", it could lay "the seeds of future trouble, even worse from the point of view of European civilisation in South Africa than the trouble created by the narrow reactionary policy of Pretoria",[5] and decided that the war in South Africa was to be a 'white man's war', in which 'no troops not of pure European blood' were to be used for fighting purposes. Consequently the use of the coloured personnel was confined to non-combatant duties only and no attempt was made to draw upon the vast military reserves consisting of the Gurkha, the Sikh and the Rajput fighting units in the Indian Army.[6]

The Boer forces were led by Piet Joubert, the hero of Majuba Hill, grown old but doughty as ever, cunning, chivalrous and wise. With him were Christiaan de Wett, who later won legendary fame by his exploits as a guerilla fighter, Piet Cronje, Hertzog, de la Rey, and young Louis Botha—"the athletic muscular well-to-do farmer from Vryheid who had lived all his time on horseback out on the wide open plains", and Jan Smuts. The British forces were under the supreme command of General Sir Redvers Buller. He had landed at Cape Town on October 31. On the ship which brought him was also young Winston Churchill.

2

The Boer plan of strategy was itself simple. They had to strike in force, reach Port Natal as quickly as possible and prevent British forces, already on the high seas, from landing. The Port taken, a movement would be started to capture East London, Port Elizabeth and Cape Town, to bar the entry of reinforcements into South Africa. At its Northern end Natal forms a wedge between the Transvaal on the one side and the Free State on the other. Down this narrow neck of land ran the railway from Pretoria and Johannesburg to Durban. In it also were the coal mines at Dundee. The main force under Joubert came down the railway, with a smaller

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one from Vryheid, and another from the Free State side. Concentrating straight at Ladysmith, they beat the English out of Dundee, fought the English back through Glencoe to Ladysmith and surrounded the town. The British forces under Sir George White, after suffering heavy defeats at Nicholson's Nek and Lombord Kop in an attempt at a break-out, were thrust back into Ladysmith.

While Joubert rode South, Cronje with 9,000 men dashed for Mafeking, reaching there on October 12. Three days later de la Rey reached Kimberley and surrounded it, cutting the railway to Cape Town. Two smaller bodies crossed the Orange River and went into Cape Colony to cause Afrikaners there to rise in rebellion.[7]

This made the position of the English critical.

If after Lombord Kop the Boers had chosen to pursue their beaten foe, they could have converted his retreat into a rout, and over-run Natal and the Cape before General Redvers Henry Buller and his men were ready. In vain, however, Botha and Smuts urged that this was their only chance; if they gave time the English would bring up reinforcements. Joubert refused to give the order to advance. "It would be barbarous to pursue and slaughter a beaten Christian foe," he said. After one or two unsuccessful attempts to over-run Ladysmith, he decided to sit down round the town and besiege it.

In the meantime the English main force under Buller was being slowly landed and prepared at Durban. At Mafeking Baden-Powell tricked Cronje into believing that the town was heavily fortified, when the only artillery that he had was a howitzer improvised from an engine steam-pipe by the workers in the railway shops in the besieged town. His 'mines' were boxes of sand, the illusion of the mine going off being created by touching off the fuse of a dynamite stick buried in an antbear's hole, and that of barbed wire entanglements by directing members of the garrison during Sunday truce to move awkwardly, raising their legs over defences which did not exist!

With Joubert sitting round Ladysmith and Cronje hanging back, taken in by Baden-Powell's game of bluff, the Boers lost their chance of driving the English out of Natal and Cape Colony. The timely arrival of the contingents from India under Sir George White by slowing down the initial Boer thrust, coupled with Joubert's decision to lay siege to Ladysmith, enabled Buller to form his army, and saved Natal. If it had not been for the troops from India landing at Durban, stated Lord Ripon in Parliament, Ladysmith and Pietermaritzburg would have been captured by the Boers.[8]

The outlook for the British, however, continued to be dismal during the first phase of the fighting in which, as Gandhiji quoting a current cliche often recalled, the British rank and file proved themselves heroes; their generals asses.

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3

The Boers had been led to hope that in the event of a war with the Republic the Colonies and dependencies of Great Britain would rise against her. Contrary to their hope, the outbreak of the war evoked an unprecedented manifestation of loyalty throughout the British Empire. India alone in the first year of the war sent nearly 7,000 non-combatant Indians as washermen, syces, and *nal-bandhs,* i.e. farriers; 7,794 white troops and 6,761 horses to South Africa[9]—syces and *nal-bandhs* then being to the cavalry what repair and servicing facilities are to the mechanised divisions today.

Indian princes excelled themselves in their demonstration of loyalty to the throne. Within a few months of the outbreak of the war, £ 40,000 was subscribed for the Transvaal War Fund and for Lumsden's Horse. Remounts, hospital tongas and gifts were freely donated and the different branches of trade in Calcutta provided everything required for the equipment of the corps. The 3rd Bengal Cavalry, a regiment composed of Sikhs, Rajputs, Jats and Muslims, subscribed a day's pay towards the Transvaal War Fund.[10]

Among the medical personnel who offered their services for South Africa was Dr. B.S. Moonje—later a leader of the communalist organisation, Hindu Maha Sabha, and Gandhiji's opponent, who distinguished himself by opposing to Gandhiji's doctrine of *Satya,* his own philosophy and practice of Machiavellian truth. ("I am the only true Satyagrahi, because I know how to speak the *right* truth at the right time in the right manner.") With two other medical friends he volunteered for active field service in the Boer War. A generous-hearted merchant of Bombay, Damodardas Goverdhandas Sukadwalla, paid all their expenses. They were taken on as Civil Surgeons and were at one time placed in entire medical charge of an English battery.[11] It had an interesting little sequel three decades later when at the time of the Second Indian Round Table Conference the Doctor, meeting General Smuts by chance at Gandhiji's residence at 88, Knights Bridge, in London, told him that he had participated in the Boer War—on the British side. But of that more at its proper place.

Later a number of Boer prisoners of war were brought to India and interned in the war prisoners' camps that were set up at Shahjehanpur, Ahmednagar and other places. After the war the British Government intimated the London County Council and the Municipal Corporations of Bombay and Madras that they desired to present to them the captured 37.7 mm. Boer pom-poms as war trophies. The London County Council declined to accept the offer.[12] When the Government of India's letter[13] about the offer came up before the Bombay Corporation, a Muslim Corporator, Jafferbhai Rahimutulla, seconded by Saraf Ali Mamoonji, moved a resolution opposing the acceptance of the offer.[14] An amendment by Vithaldas Damodardas

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Thakersey in favour of acceptance, being put to vote, after it had been seconded by Jamshedji Ardesharji was passed by a majority[15] and it was resolved to display the trophy in Victoria Garden, where it may still be seen.

Among the prisoners of war detained in the Military Camp at Shahjehanpur was J.L.P Erasmus, a solicitor of long standing in Johannesburg and one of the Boer Commandants who were sent to India with others. Deeply interested in the eastern esoteric lore, he had long wished to come to India. In February 1902 he was transferred to Amritsar with a dozen 'irreconcilables', and detained in Fort Gobindgarh. Released at the end of the war, he was introduced by Sarandas Chopra of Amritsar, a barrister-at-law of the Inner Temple, London, to a Brahmin friend, who provided him with a copy of the *Bhagawadgita*. He made a deep study of that philosophical work and in November-December, 1904 delivered before the Transvaal Philosophical Society, Johannesburg, a series of six lectures on his impressions of India and on the 'Psychology of the *Bhagawadgita*' which were reproduced by Gandhiji in his weekly, *Indian Opinion*.[16]

His approach to his subject was sympathetic and critical. Particularly impressive was his assessment of the achievements of India in the field of science, philosophy and literature, not to mention the high place and the treatment accorded to women in ancient India 'which is the index to civilization'. As a prisoner of war, Mr. Erasmus had seen some of the worst aspects of Indian life and very little of its best. The Boers were credited with having a more than the usual measure of colour prejudice, which was rampant in South Africa. His lectures were, therefore, all the more valuable as showing "how a prominent member of that race can become sympathetic by the simple process of learning the truth".[17] Gandhiji saw in it a happy augury for the future. It confirmed him in his view that anti-Indian prejudice in South Africa was based very largely, if not wholly, on misconception and could be remedied by dissemination of the truth about India and Indian life.

4

The outbreak of the war hurled a challenge in the face of the Indian community in South Africa also. Among the Boers almost the entire male population had joined the colours. The British in South Africa did not join the war on anything like the scale the Boers had, but a large number in the Cape, in Natal and Rhodesia, belonging to all professions, had enrolled themselves as volunteers. Boer and Briton, however, were fighting for their respective rights. The Indians had been denied their rights by both. What were they to fight for? What was their role going to be in the crisis that had overtaken the Colony?

Immediately after the British Government had severed diplomatic re-

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lations with the S.A.R., 'Colonial Indian' in a letter to the *Natal Mercury* wrote that whatever might be the nature of their ill-feelings and discontent, this was not the time to give vent to them by holding aloof from active service. "Every Indian should bury the hatchet and reserve his resentment for the future, and come forward for the defence of the Colony."[18] If the Government were to call for Indian volunteers, the writer was sure, "scores of young men would enlist themselves in it and it would be one of the best means to reconcile the Indian subjects and to enlist their sympathy".

Gandhiji had thought over this question furiously and long. Indians had never been liked in South Africa. One of the charges laid against them was that they went there for 'money-grubbing' and were 'merely a dead-weight' upon the British. It had openly been said that at the first appearance of danger they would scuttle away like rabbits. "Like worms which settle inside wood and eat it up hollow", they were in South Africa "only to fatten themselves upon them". They would not render them 'the slightest aid if the country was invaded or if their homes were raided. The British in such a case would have not only to defend themselves against the enemy but at the same time to protect the Indians."[19] The charge was of course false. But would it not lend colour to the accusation if out of their feeling of resentment they sulked in their tents in the face of common danger?

This aspect of the question was uppermost in Gandhiji's mind when on October 16, 1899, about one hundred Indians, representing the flower of the educated section of the Indian community in Durban, met under the auspices of the Natal Indian Congress to consider what their duty was. They were all agreed that this was a golden opportunity for them to effectively disprove the charges against them. A powerful section, however, strongly felt that the British oppressed them equally with the Boers, the Indians were themselves more or less a community of slaves. Why should they be instrumental in the destruction of a small nation like the Boers, who were fighting for their existence? Besides, where was the guarantee that the British would win? And if the British were defeated, would not the Boers wreak vengeance on those who had ranged themselves against them and collaborated with their enemies, they asked.

These were strong and cogent arguments, considered from a purely utilitarian point of view. But they did not commend themselves to Gandhiji. This was not the time, he felt, when they should think in terms of their rights. Rather they should think of their duties. They had always claimed to be loyal citizens of the British Empire. It was as British citizens that they had claimed equal rights with the Europeans. Their claim would be judged not by the vehemence of their protestation of loyalty but by the way they acquitted themselves in that crisis. With the same relentless logic with which he had earlier insisted on the British implementing in letter and in spirit the assurance of equal rights given to them under the Royal Procla-

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mation of 1858, he now insisted that they dared not lag behind those with whom they claimed equality of treatment in the discharge of their duty as British subjects.

On the following day when the meeting of the Natal Indian Congress was resumed, he set forth these views with all the emphasis that he could command. "Our existence in South Africa is only in our capacity as British subjects,". he told the gathering.

> In every memorial we have presented, we have asserted our rights as such. We have been proud of our British citizenship, or have given our rulers and the world to believe that we are so proud. Our rulers profess to safeguard our rights because we are British subjects ... It would be unbecoming to our dignity as a nation to look on with folded hands at a time when ruin stared the British in the face as well as ourselves, simply because they ill-treat us here.
>
> And such criminal inaction could only aggravate our difficulties. If we missed this opportunity, which had come to us unsought, of proving the falsity of a charge which we believed to be false, we should stand self-condemned and it would be no matter for surprise if then the English treated us worse than before and sneered at us more than ever. The fault in such a case would lie entirely at our door.
>
> To say that the charges preferred against ourselves had no foundation in fact and were absolutely untenable would only be to deceive ourselves. It is true that we are helots in the Empire, but so far we have tried to better our condition, continuing the while to remain in the Empire. That has been the policy of all our leaders in India, and ours too. And if we desire to win our freedom and achieve our welfare as members of the British Empire, here is a golden opportunity for us to do so by helping the British in the war by all the means at our disposal.[20]

Personally his sympathies were all with the Boers. But was that a sufficient reason for their abstaining from helping the British ? Could every private citizen claim the right to sit in judgment on the Government? He was free to admit that he had not made an adequate study of the rights and wrongs of the issue in question to qualify him for that role. He did not have access even to the necessary data. But even if it were otherwise, he said, he had no doubt that his duty would still be to defer judgment until he had acquainted himself with the other side of the question. He had no right to enforce his individual conviction.

> Every single subject of a state must not hope to enforce his private opinion in all cases. The authorities may not always be right, but so long as the subjects own allegiance to a state, it is their clear duty generally to accommodate themselves, and to accord their support, to acts of the state.[21]

Should they then decline to participate in the British Government's war effort because they had an unredressed grievance against it, he finally

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asked. That would be the way of revenge and retaliation. The idea repelled him. To those who based their objection on moral grounds he said:

> If any class among the subjects considers that the action of a Government is immoral from a religious standpoint, before they help or hinder it, they must endeavour fully and even at the risk of their lives to dissuade the Government from pursuing such a course. We have done nothing of the kind. Such a moral crisis is not present before us, and no one says that we wish to hold aloof from this war for any such universal and comprehensive reason. Our ordinary duty as subjects, therefore, is not to enter into the merits of the war, but when war has actually broken out, to render such assistance as we possibly can.[22]

The utilitarian consideration did not appeal to him at all. To suggest that, in case the Boers won—and a Boer victory was well within the range of possibility—their last state would be worse than their first, as the Boers would then exact a frightful revenge, would, he felt, be doing injustice to the chivalrous Boers,

> as well as to ourselves. To waste the slightest thought upon such a contingency would only be a sign of our effeminacy and a reflection on our loyalty. Would an Eglishman think for a moment what would happen to himself if the English lost the war? A man about to join a war cannot advance such an argument without forfeiting his manhood.[23]

* * *

It is necessary here to reproduce Gandhiji's argument *in extenso.* There is hardly any issue, relating to his theory and practice of non-violence, about which greater confusion prevails among pacifists, non-pacifists and lay people alike than his conduct during the Boer war and the two subsequent World Wars. Some have seen in it 'inconsistency', others have been apologetic about it. Still some others have found in it an argument against the 'relevance of non-violence in the modern world'. All this betokens a mental rigidity or laziness of thought which reduces non-violence to an inflexible mechanical formula, instead of the living law that it is. What every student of non-violence must realise is that the same reasoning by which Gandhiji was guided at the time of the Boer war guided him at the time of the two subsequent World Wars also. But the context in each case was different and so necessarily had the conclusion also to be different.

> If I had today the faith in the British Empire which I then entertained, and if I now cherished the hope, which I did at that time, of achieving our freedom under its aegis, I would advance the same arguments, word for word, in South Africa, and, in similar circumstances, even in India. I heard many attempted refutations of these arguments in South Africa and subsequently in England. But I discovered no ground for changing my views.[24]

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In 1899 Gandhiji's practice of non-violence had not progressed beyond forgiveness of personal injuries. He had not yet found a non-violent alternative to war. He still believed in the beneficent character of the British Empire on the whole. Inaction in the face of challenge was out of the question. The Indians had to make their choice. There were two courses before them. (1) To make England's extremity their opportunity, refuse to help those who had denied them justice and take revenge by helping their enemy, though the latter had oppressed them no less. This course would have been justified under the doctrine of 'an eye for an eye and a tooth for a tooth'. (2) To put their grievances behind them and in the hour of danger rush to the help of those who had unjustly treated them. This would be non-violence in practice in relation to those who had wronged them but not non-violence in the absolute sense, though its extended practice could ultimately lead to non-violence in the absolute sense also. The key to Gandhiji's conduct in all the cases in question is his uncompromising insistence on truth. The law of truth requires that at each stage of our spiritual growth our conduct should express our belief at that particular stage. It would have been wrong for Gandhiji in 1899 and 1914 to act as he acted in 1940 and *vice versa*. There is no virtue in imitation. But emulation is the beginning of virtue. Being faithful to the truth of one's being demands recognition of one's imperfections, but not acquiescence in them—much less making a virtue of them. On the road of truth there is no resting place. We either advance or we fall back. Ceaseless striving to rise to a higher and still higher rung of truth is what the truth of our being demands. To quote Gandhiji once more: "That one should appear to be as one really is and should act accordingly, is not the last but the first step to practical religion. The building up of a religious life is impossible without such a foundation."[25]

* * *

To return to our story. Gandhiji's remarks were listened to by the gathering with rapt attention. The arguments were not new. But the burning conviction behind every word he spoke produced a profound impression and evoked such enthusiasm that almost all present put down their names on the list as willing to serve unreservedly and unconditionally in whatever capacity the authorities needed their services.

The question next was what weight would their offer of help carry with the authorities in the terrible crisis in which they were involved. None of them had ever handled fire-arms or received training that even non-combatant service requires. Every serving man must be able to perform long marches with bag and baggage on his shoulders. They were altogether unused to it. They did not know even how to march in step. Besides, what if the Whites were to look down upon them as 'coolies' and insult them? Could they submit to it? All these questions were freely and fully discussed

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and the conclusion was reached that they should try their best to get their offer accepted. The experience of work itself would teach them how to do more work. If they had the will, God would grant them the ability to serve. They should not, therefore, worry how they could do the work entrusted but should train themselves for it as best as they might. Finally, having once decided to serve, they should cease to think of discriminating between "dignified work and other and serve, putting up even with insults if it came to that".

5

On October 19, Gandhiji saw Mr. Escombe with a letter addressed to the Colonial Secretary conveying the decision of the Indian leaders. Mr. Escombe was very favourably impressed by their unconditional offer of help and eagerness to serve in whatever capacity the authorities might deem fit, and asked Dr. Prince to examine them for medical fitness. After a thorough check-up thirty-two of them were declared fit for service. The examination of the rest was held over till the next day. But without waiting futher Gandhiji sent to the authorities that very day the list of 25 persons, who had been medically examined and found fit, beginning with himself and ending with R. Moodley, the boxer. Included in the list were the names of H. L. Paul, J. W. Godfrey; V. Lawrence, L. Gabriel; K. Richard, J. Royappan; C. Roberts, J. S. Gabriel and F. Lazarus, all of whom had been associated with Gandhiji and groomed by him, since he had settled down in Natal, to take their due share in public life. On the following day some more names were added. The list though small represented something like twenty-five per cent of the adult Indian males in Durban who had received a tolerably good English education. Their services were offered without pay as an earnest expression of Indian loyalty and it was entirely left to the authorities to accept the services of all or so many of them as they might deem fit or necessary. The signatories hoped that, if in no other way, their services might be utilised in connection with the field hospitals or the commissariat.

> We do not know how to handle arms. It is not our fault; it is perhaps our misfortune ... but it may be there are other duties no less important to be performed on the battle-field and, no matter of what description they may be, we would consider it a privilege to be called upon to perform them. ... If an unflinching devotion to duty and extreme eagerness to serve our Sovereign can make us of any use on the field of battle, we trust we would not fail.[26]

The Government while thanking them and deeply appreciating the spirit behind their offer, informed them that their services were not needed for the time.

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Gandhiji next called on Mr. R. Jameson, Member of the Legislative Council who knew him well. He laughed at the idea. "What do Indians know of war?" he said. "You would only be a drag on the army; you would have to be taken care of instead of being of help to us."

"But is there nothing we can do? Can't we be entrusted with ordinary servants' work in connection with the hospital?" Gandhiji persisted. "Surely, that does not need great intelligence."

"No, it all needs training."

Not to be rebuffed, Gandhiji consulted Laughton, who received the suggestion with enthusiasm. "That's the very thing," he said. "Do it, it will raise your people in the estimation of all ... Never mind Jameson."

So another letter was written to Government but with no better result. Disappointed but not discouraged, Gandhiji went ahead with his preparations. He had all the people who had volunteered their services examined by Dr. Prince and saw Dr. Canon Booth, Dean of St. John, for the training of those who were declared fit in nursing and first aid to the wounded. It was in his charitable hospital that Gandhiji had been serving as a volunteer nurse. The doctor was very pleased. Shortly afterwards, he started ambulance classes to train those Indians who had volunteered their services and twenty-five of them, including Gandhiji, began attending his lectures every night.

The Indian community's offer drew unstinted admiration from the Natal Press. Commending the motive underlying the offer of their service without pay, viz., "if we insist on rights as British subjects, we must recognise obligations also" of that position, the *Natal Mercury* wrote: "Whatever one may think of the Indian immigration question, no fair-minded man can fail to admire the spirit of this declaration."[27]

Mr. Greenacre, another prominent Natal leader, paid a glowing tribute to the Indians for offering their services to the military, 'especially after the way they were treated', and was all praise for Gandhiji's conduct in the matter.

6

In the meantime disasters to British arms had been piling up thick and fast. It was on October 1899 that Ladysmith had resigned itself to the state of siege. On November 2, telegraphic connection with the town was disrupted. On November 3, the railway line was cut and Ladysmith was completely isolated. By the end of the first week of November the Boers had occupied the hills overlooking the town and established their circle of fire. On the 8th they occupied Colenso. On the 14th an armoured train, which had been sent out from Estcourt for reconnaissance was ambushed and derailed by the Boers. Mr. Churchill, who was on it as a war correspondent of the *Morning Post*, was taken prisoner by General Botha and removed to Pretoria, from where he made his legendary escape. On November 15, the

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D.S.-20

enemy was near Estcourt. On November 21, their patrols had reached within 40 miles of Pietermaritzburg. On December 9, General Gatacre was heavily defeated at Stromberg in Cape Colony while Lord Methuen was badly beaten in the Free State in the attempt to reach Kimberley, where its 45,000 inhabitants were living mainly on horseflesh and bread, and typhoid and dysentery were appearing in consequence. An even worse disaster befell the British arms two days later at Magersfontein, where Cronje and de la Rey practically annihilated the Black Watch within a few minutes of the opening of the battle. The Boers had seized 500 miles of railway and occupied half of Natal. The whole Colony lay at the mercy of the invaders. All hopes rested on General Buller, who was massing his troops at Chieveley in preparation for a great effort to cross the Tugela near Colenso, storm the Boer position by a frontal attack, and raise the siege of Ladysmith. In anticipation of a bloody fight, Colonel Gallwey, the principal Medical Officer attached to General Buller's army, issued instructions for raising a European Ambulance Corps. The Corps was accordingly formed, hospitals were improvised and doctors, nurses and bearers began to be hurried to the front. That gave Gandhiji his opportunity. On behalf of the Indians he telegraphed to the Government informing them how they were qualifying themselves and again renewed their offer to do "even sweepers' and 'scavangers' work in hospitals".

Time was working with them. Buller's was a desperate venture. A long stretch of open plain had to be traversed under the murderous fire of the Boer guns. Beyond it was the passage of a broad and deep river, and still beyond "tier upon tier of hills crowned with stone walls and seamed with trenches", where waited Botha with a strong Afrikaner army of the best riflemen in the world, behind elaborate barbed-wire entanglements strung along the base of the hills. It was soon realised that the casualties were going to be far heavier, and would call for hospital provision and ambulances on a scale much larger than they had ever thought. General Buller therefore wrote to the Natal Government, asking them to raise an Indian Ambulance Corps, which would not be required to work within the range of fire. It was estimated that 1,000 Indian bearers would be required to carry the wounded from the field to the hospital.

The original offer of the ambulance leaders had been in respect of free and ex-indentured Indians only. In the changed circumstances they suggested the desirability of indentured Indians also being permitted to join the rest. Their suggestion commended itself to the authorities, who had by now revised their previous attitude towards the Indians' offer. Acting quickly, they gave orders to the Public Works Department to raise the Corps. The various estates being the largest employers of Indian indentured labour used to work in gangs under leaders, their managers were approached through the Protector of Immigrants to permit their men to volunteer

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for service. The response was instantaneous. Messrs Marshall Cambell Shire & Co., Reynold Bros., Wilson and the Collieries Companies offered to place a number of their Indians at the disposal of the authorities. Under the terms of their indentures these men were not required to do any work on the battlefield. Special permission had, therefore, to be obtained from the Governor for recruiting them. The Governor granted the permission, provided the Indians themselves agreed to go to the front.[28]

To recruit on the spur of the moment such a large number of people on a voluntary basis, the best way obviously was to approach them through their acknowledged leaders. The Colonial Secretary, therefore, sent instructions to the Protector of Immigrants to contact Gandhiji and take his help. This being done, in less than three days a splendid corps of nearly 1,100 Indians was got ready, two-thirds of them being indentured labourers from various estates. The rest were free Indians.

In response to a telegram from the Protector of Immigrants, Gandhiji saw him on December 2. The Colonial Secretary had already sent him a copy of the list of Indian Ambulance Corps volunteers. After discussing the matter with him, Gandhiji notified all ambulance volunteers by wire to keep themselves ready, as they might be called up any moment. In a wire to the Colonial Secretary he wished to be informed what would be the nature of the work they were expected to do.

The Colonial Secretary replied on December 4, intimating that 50 to 60 Indians were required to go to the front. But it seemed only labourers were wanted. Gandhiji wired back that it would be a great disappointment if after all their preparation Government would not accept the ambulance volunteers. He further intimated that besides twenty-five names that they had sent in October last, some twenty more had volunteered their services without pay. On the Protector coming to him he told him that they were ready at a moment's notice to do whatever was needed of them.[29] The Colonial Secretary, however, did not think the work suitable for them. Dr. Booth thereupon wrote to the Colonial Secretary and gave him an idea of the work they could do. He also wrote to Bishop Baynes, who tried, but without success to get the authorities to accept the Indian offer. On December 11, Dr. Booth wired to the Colonial Secretary that accompanied by Gandhiji he would be seeing him at Pietermaritzburg on the following morning. At Maritzburg they saw Bishop Baynes and explained to him how the services of the Indian Ambulance leaders could be utilised. The Bishop made another attempt to further their effort but did not succeed. They with the Bishop then interviewed Col. Johnston. Col. Johnston thought they would do admirably to act as leaders for the Indians engaged as bearers.[30] "It is not often," observes Joseph Doke, "that men persist so doggedly in pressing their help on unwilling people when help means to those who offer, suffering and perhaps death." To Gandhiji, however, it was a question not of gaining a

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privilege but of discharging a duty. He persisted and his persistence won. The Indians' offer to act as leaders of the bearers without pay was at last accepted.

Already Gandhiji had wired to Pragji Bhimbhai at Bellair to ask the volunteers to be ready to start, possibly the next day. But another hitch now arose. On Gandhiji's request Dr. Booth had agreed to accompany their Corps. Bishop Baynes, however, thought that Dr. Booth could not be spared from his mission work, and ought not to join the Indian Ambulance Corps, unless he felt that there was 'real' need for him. Gandhiji thereupon wrote to the Bishop that without Dr. Booth their Corps would be handicapped for want of a medical adviser; the doctor's presence would inspire great confidence in the ambulance leaders, who knew him well and nearly all of whom he had trained; and in the treatment of wounded that might be entrusted to the care of the leaders his services would be inestimable. Finally he urged that his place could be filled in the mission but in the ambulance camp "there would be a gap without him". This had the desired effect and the Bishop agreed to allow Dr. Booth to accompany them. Afterwards Colonel Gallwey installed Dr. Booth as Medical Officer for the Corps.

7

The Corps thus constituted was a microcosm of all classes and creeds, in which were represented Hindus, Muslims, Christians and Sikhs, Madrasis and up-countrymen, free Indians as well as indentured labourers who had been recruited by the efforts of the free Indians. Thirty-seven of the free Indians were looked upon as leaders, as the offer to the Government had gone over their signatures and they had brought the others together. Among them were two Indian barristers and a gentleman connected with a well-known London firm of agents. The rest were shopkeepers, clerks and artisans, such as masons, carpenters, etc.

The leaders served without any remuneration whatsoever. The rank and file received the ordinary bearer's pay—£ 1 per week and rations. Many of them, however, were earning much more than £ 4 a week from their respective pursuits. Their European counterparts drew thirty-five shillings, or double their pay. Those who knew the languages of both the wounded and the bearers and had received ambulance training made themselves indispensable. They accompanied the bearer parties as interpreters, attended to the comforts of their charge, and administered first aid and medicines on the way sometimes.

The other section consisted of the indentured labourers who had joined the Indian Ambulance Corps as volunteers. While at the front, they were supposed to work under the orders of English overseers from their respec-

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tive estates. But their work was the same as that of the others and they all lived together. To live among and like the free Indians was a new experience for them and they were highly pleased. In the course of time the entire management of the corps passed into Indian hands and the whole corps was described as the Indian Corps. Though, strictly speaking, credit for the inclusion of the indentured labourers in the Corps belonged to the planters, the excellent management of the Corps was due to the influence and the cooperation of the free Indians and this was acknowledged by General Buller in his despatches.

The Indian trading community was passing through a period of great stress and strain. The enormous losses sustained by it, owing to the virtual suspension of business, had seriously crippled its financial strength. On top of it, it had to make arrangements for the housing and feeding of thousands of Indian refugees, who were pouring in not only from the Transvaal but from the up-country districts of Natal also, which had fallen under enemy occupation. But the traders did their duty by subscribing liberally to various war funds. At their own cost they equipped the leaders with uniforms and other camp necessaries, and undertook to support the families and dependents of such of them as needed support during their absence. They also provided the Corps with some extra amenities in their hard camp life, and supplied large quantities of sweets, cigarettes and cigars, pipes, tobacco and such comforts for the wounded in their charge. Whenever the Corps camped near the towns, the Indian traders did their best to look after them. An Indian woman who lived by selling fruit was reported, on the soldiers landing at the Durban wharf, to have emptied the whole contents of her basket into the Tommy's truck, saying that was all she could give that day.[31]

The Europeans had set up a Durban Women's Patriotic League, and started a street collection for the war fund. Its treasurer, Mr. Palmer, in a letter to Gandhiji complained that though 'Coolies' had contributed thirty-five pieces, the 'Arabs' had declined to render any help.[32] This had become 'the talk among the lady collectors', and would 'appear very strange when published'. Ignoring the minatory tone of Mr. Palmer's letter, Gandhiji requested him to assure the 'self-sacrificing ladies' that no Indian would have declined to assist for want of sympathy. "The existence, if it be so, of a few selfish persons need not ...cause us to think uncharitably of the whole class to which they belong." At the same time he asked Mr. Palmer to send him the names of the ladies who had gone to collect and of the 'Arabs' who had declined to help. As for the distinction that Mr. Palmer had drawn between 'Coolies' and 'Arabs', Gandhiji gently reminded him that after all 'Coolies' were as much Indians as 'Arabs'.[33] He followed it up by forwarding to Mr. Palmer a handsome amount raised from the Indian merchants for the Durban Women's Patriotic League Fund, and a

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still bigger remittance some time later. The Indian ladies offered to prepare the necessary articles for the comfort of the sick and the wounded in the hospitals, the material being supplied by the Indian merchants. They collected clothes, books and periodicals, stitched handkerchiefs, pillows, pillow-covers and bedsheets and knitted socks, and prepared bandages for the fighting men at the front. For this the Committee of the Durban Women's Patriotic League sent Gandhiji its 'most grateful' thanks.[34]

* * *

All this was a revelation to the Europeans of Natal, especially in view, as the *Natal Advertiser* put it, "of the attitude of the Colony towards Indian Immigrants, and the Indian population generally". Commenting on the Indians' apology for the sum subscribed by them to the Durban Women's Patriotic League Fund not being larger, it remarked that there was no need for them to be apologetic about it. "Such gestures as these will ... not be forgotten by the Colonists in after years."[35] They might easily have "wrapped themselves up in a sullen reserve and said. 'We shall not help the enemy, but neither shall we help you, as you have shown yourselves so antagonistic to us.' " But they did not; they took occasion to assist the British where they could. "This conduct," the planters' journal urged, "should be appreciatively remembered in their favour ... And it should make us the more ready to endure small faults on which perhaps we are prone to expatiate largely in times of peace."[36] The action of those "more far-seeing Indians, ... including Mr. Gandhi, ... whose persistent advocacy of Indian interests had brought him no little unpopularity" in setting an example of patriotic duty was all the more commendable, *The Times History of the War in South Africa* recorded later, because of the fact, that "in a Colony, where the Indian indentured coolie is regarded as a necessary evil, and the Indian trader as an unmitigated nuisance, there seemed no special reason for the Indian community to be demonstratively exuberant in its patriotism".[37] The *Natal Mercury* wrote: "Nothing can better show the real feeling that animates this portion of our population, who too often have very little said on their behalf, than such a display of loyalty."[38] More than one European Colonist felt constrained to search his heart and revise his earlier attitude towards the Indians. The following appeared in the *Natal Mercury* of November 11, 1899, under the pen-name 'Echo':

> My apologies to you, Ramasamy Naidu—I have often called you names not altogether complimentary ... but well, let bygones be bygones from now, for you are sons of the Empire after all, and
>
> Tho' he speak from a swarthy cheek
> The friend of a friend is mine.
>
> The offer made by the Indians of Durban to raise a coloured contingent ... will be always remembered to their credit in days to come.[39]

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8

Before they were called to the front, the ranks of the Indian Ambulance Corps were augmented by recruits from still another source. These were indentured labourers from the Natal collieries. In early October, when the Boers occupied up-country districts north of Colenso, nearly all the indentured Indians working on the collieries there fell into their hands. Boer commandos did not permit them to proceed to Durban or Pietermaritzburg and tried instead to force them on the beleagured garrison at Ladysmith where Sir George White, already short of rations, refused to receive them and they returned to the Boer camp. They refused to work for the Burghers, who would have used force to compel them had not the commandant intervened. They were then turned loose. This enraged the Boers who allowed them only a day's pass and again compelled them to try and enter Ladysmith, which they did with a like result. Two hundred and thirty-four of them, men, women and children were later found by Reuter's Special Correspondent wandering on the veld beyond Bulwana—"most of them looking emaciated with their legs swollen, feet sore, and all of them hungry". They finally made their way to the Frere military camp, whence they were sent to Durban as refugees. Arriving there on December 11, a large number of them at once volunteered to return to the front as stretcher-bearers, leaving their wives and children in Depot to be looked after and provided for till their return.[40] When the story of the sufferings of the rest of the refugees reached the Agent General he sent a small sum for their relief. The Chairman, Volunteer and War Relief Committee got in touch with Gandhiji for its disbursement to those who were still not able to make a livelihood.[41]

The call to the front came on December 13, 1899.

On the eve of their departure the leaders of the Indian Ambulance Corps were felicitated at a tea party given by Harry Escombe on the spacious lawn of his residence at 4.30 in the afternoon. Much water had flowed under the bridge since he had met Gandhiji in his office on January 20, 1897, after the Point Demonstration. Mellowed by experience he was deeply moved by the readiness of the Indians to bury the past and stand shoulder to shoulder with the Colonists in their hour of danger. In bidding the volunteers Godspeed, he said they would carry with them not only the good wishes of those present, but of all the people in Natal and in Queen's great Empire. The meeting showed that "the Indian subjects in Natal ... claiming rights in Natal. recognised in what they were now doing their obligations to the country. And they were going to occupy as honourable a position as those who were doing the fighting."[42]

Present at the function were Mr. R. J. Pakeman, editor of *Transvaal Leader*, Mr. J. Nicol, the Mayor of Durban, and Dr. Booth who, like the

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rest of the members of the Indian Ambulance Corps. had offered his services and was leaving with them for the front that night. Expressing the hope that they would soon return, the Mayor said that the British Empire would rejoice that so many Indians were willing to do such work without pay.[43] After tea and cakes served by Mr. Escombe's household, the meeting dispersed with the singing of the National Anthem and cheers for Mr. Escombe, the Mayor and the ladies of whom a fair number were present.

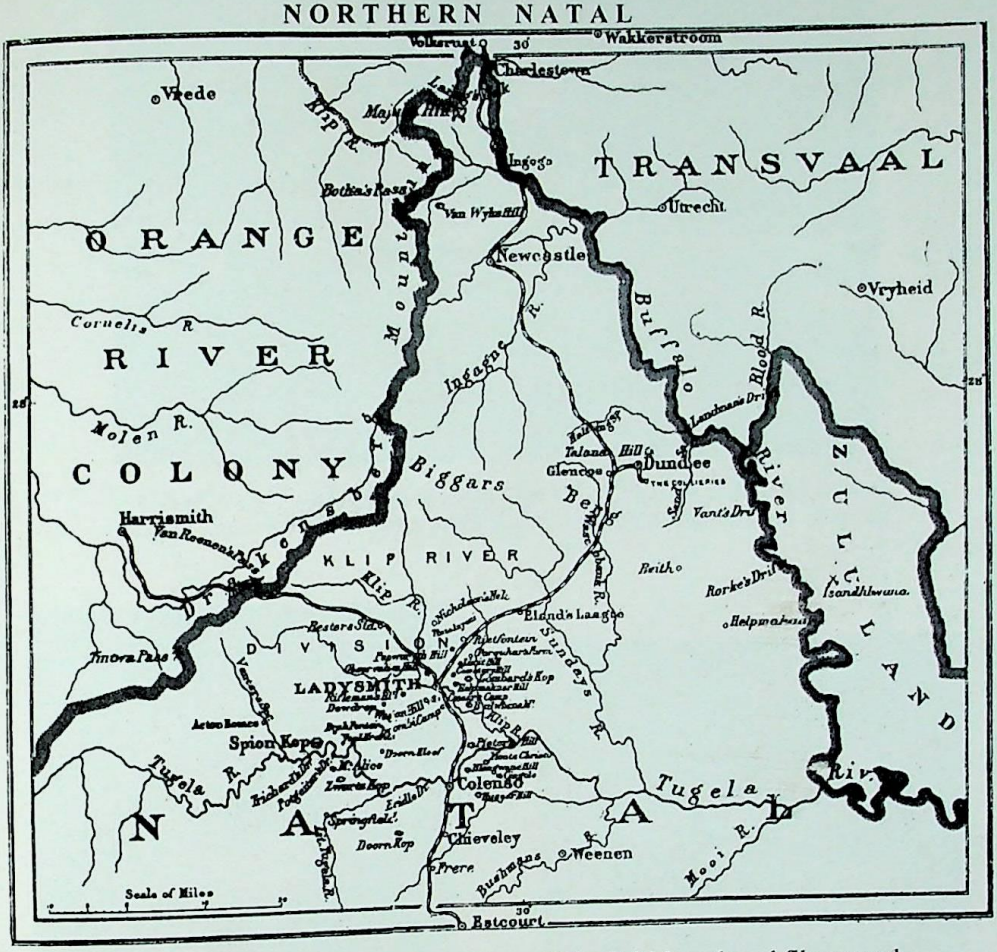
Earlier in the day Gandhiji, Mansukhlal Nazar, R. K. Khan, Dr. Booth and other leaders of the Indian Ambulance Corps had been given a hearty send-off at the Congress Hall. At night Parsi Rustomji treated them to a sumptuous dinner. The men entrained for the front by the 2.10 a.m. train amid scenes of unusual enthusiasm. On the following day the Corps reached Chieveley at 3.30 in the afternoon. Immediately on detraining the men were given their Red Cross badges and marched to the Field Hospital—a distance of over five miles. No wagons or water carts had been provided. The men had therefore to carry with them a fortnight's or a month's rations, including firewood, and the camp requisites.

The battle of Colenso had started early that day and exacted an even heavier toll than had been feared. A subsidiary force sent to ford the river three miles away from Colenso and turn the Afrikaner flank, had failed to make the ford and found itself instead advancing into a tongue of land, formed by a loop of the river, with no enemy in sight. Suddenly hell broke loose round it. "A whistling crossfire of bullets streamed into them from hills on left and right ... Bullets ripped into them, thinning their ranks like a scythe as the murderous fire took its toll."[44] Five hours later they retired with 560 casualties.

Nearby at Colenso, Buller's men fought forward to the railway station short of the river. Behind them, under the command of Colonel Long, came ten guns which, their way clear, were impetuously galloped on to the plain, the Boers offering no resistance. When they were within one thousand yards of the Afrikaner trenches, Botha's guns opened fire. Men and horses were shot to bits as they started to unlimber. The few survivors were forced to retreat, leaving the guns. An attempt to retrieve the guns ended in a disaster. By noon the action ended. The Boers came towards the end of afternoon and took the ten 'great, splendid cannons' with their limbers and ten ammunition wagons, limbered up, and drove unmolested and at their leisure back to the bridge and across the river. The British retired in defeat suffering 1,100 casualties in killed and injured.

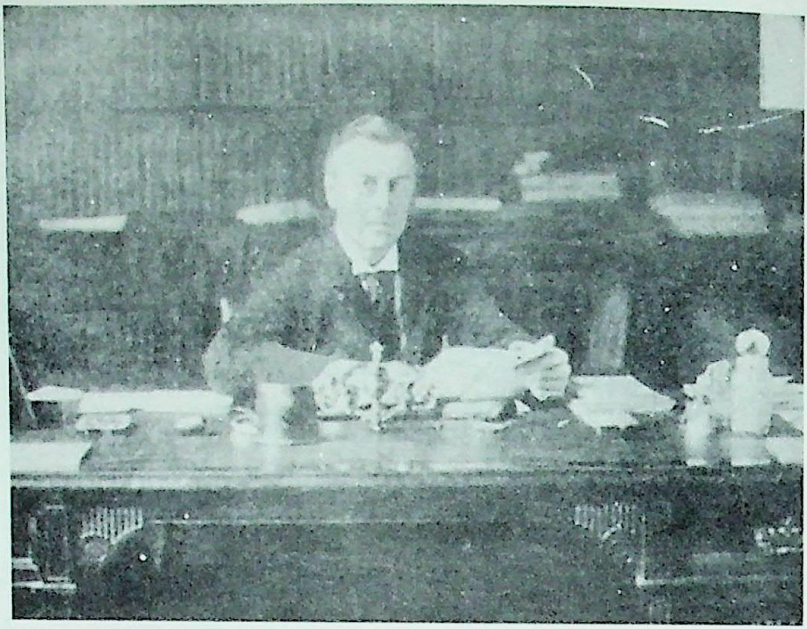
The men of the Indian Corps arrived at the camp at dusk—hungry, thirsty and fatigued. The battle had then just ended. On reaching the hospital they heard about it. Soon the wounded began to arrive. They were brought by the ambulance wagons and European bearers from the base of operations to the Field Hospital, where their wounds were dressed. From

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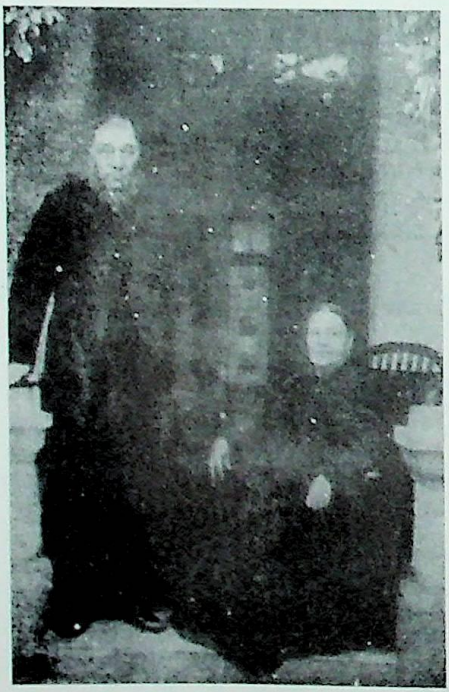


The theatre of the first phase of the Boer War:— "The British rank and file proved themselves heroes—their Generals asses." (p. 265)

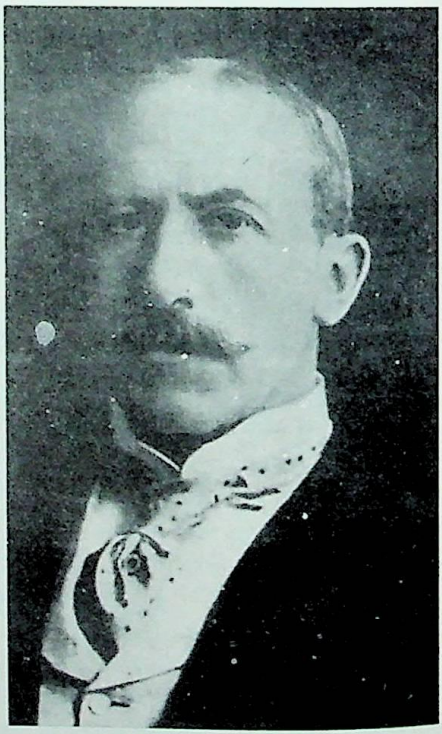
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Joseph Chamberlain : "If, as his opponents suggested he was the author of the war, (he said) such an exploit would be a feather in his cap." (p. 226)

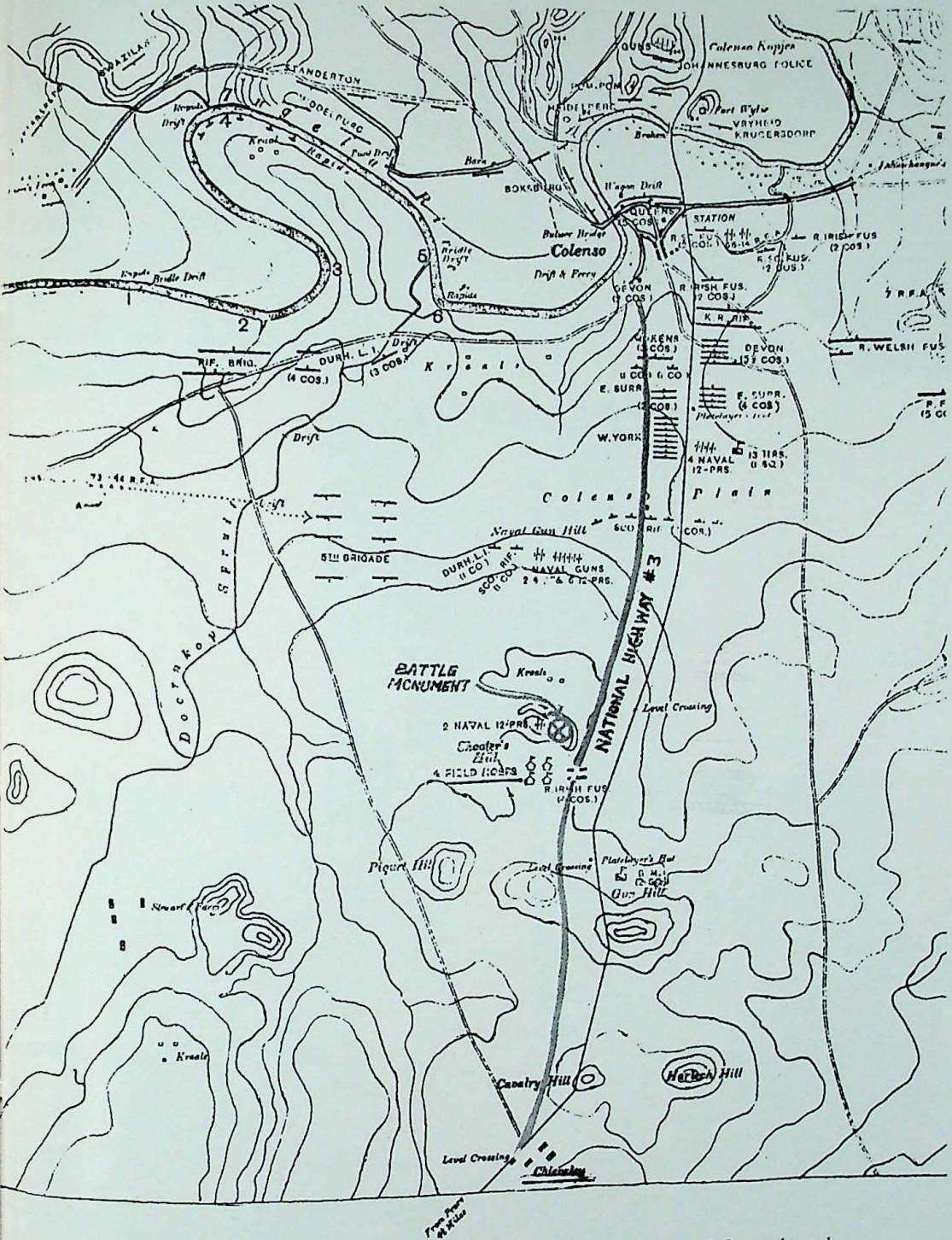


President Paul Kruger with his wife: "It will be a fight that will stagger humanity." (p. 226)



Alfred Milner: It took Milner only a few days...to get the British policy again on the 'right tack'. (p. 223)

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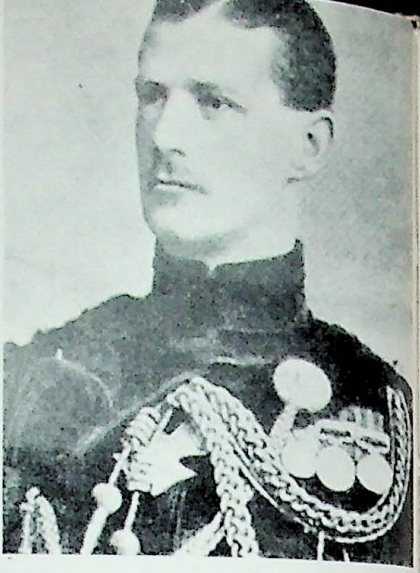


Battle of Colenso : The route covered by the Indian Stretcher Bearers' Corps in red :
"A whistling cross fire of bullets...from hills on right and left." (p. 288)

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Left : Redvers Buller: "not equal to his responsibility". (p. 284)



Right: Field Marshal Roberts of Kandhar: "Even he was no more to be trusted because of his Indian connection." (p. 334)



Loard Kitchener : "burn and scuttle". (p. 303)



Left: Lieut Roberts, Lord Roberts' only surviving son; thrice wounded at Colenso, he was carried by Indian Stretcher Bearers to the base hospital where he died. (p. 282)

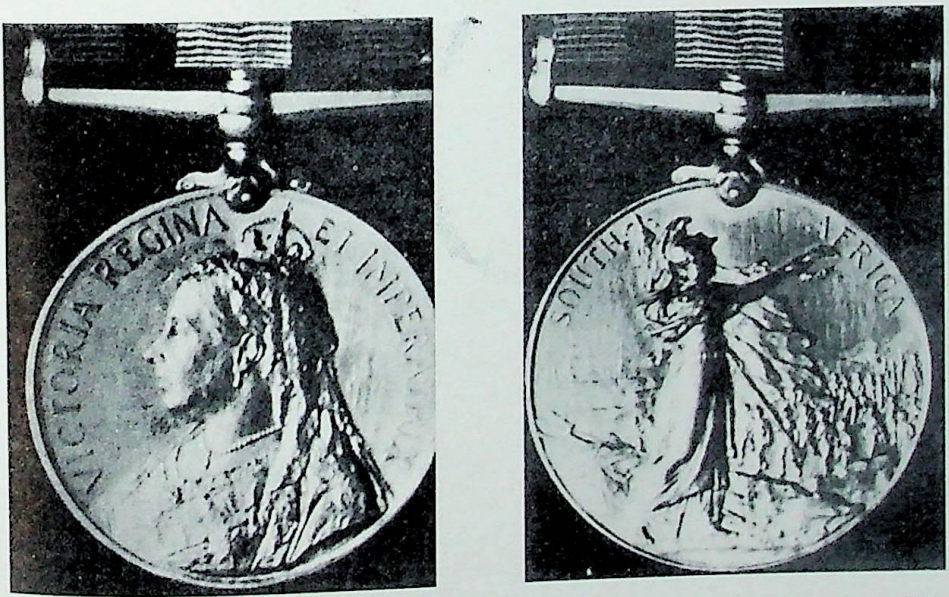
Right : Major-General Woodgate : mortally wounded in the battle of Spion Kop, he was consigned to Gandhi's care : "the bearers had to hurry...lest he should die before they reached...camp hospital". (p. 286)



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In King's Uniform : "Mr. Gandhi, Assistant Superintendent." (p. 291)

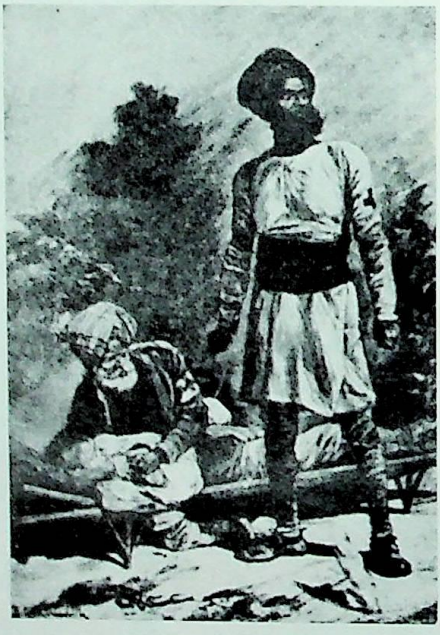


Boer War Medals (1899-1900), awarded to leaders of the Indian Ambulance Corps. (p. 322)

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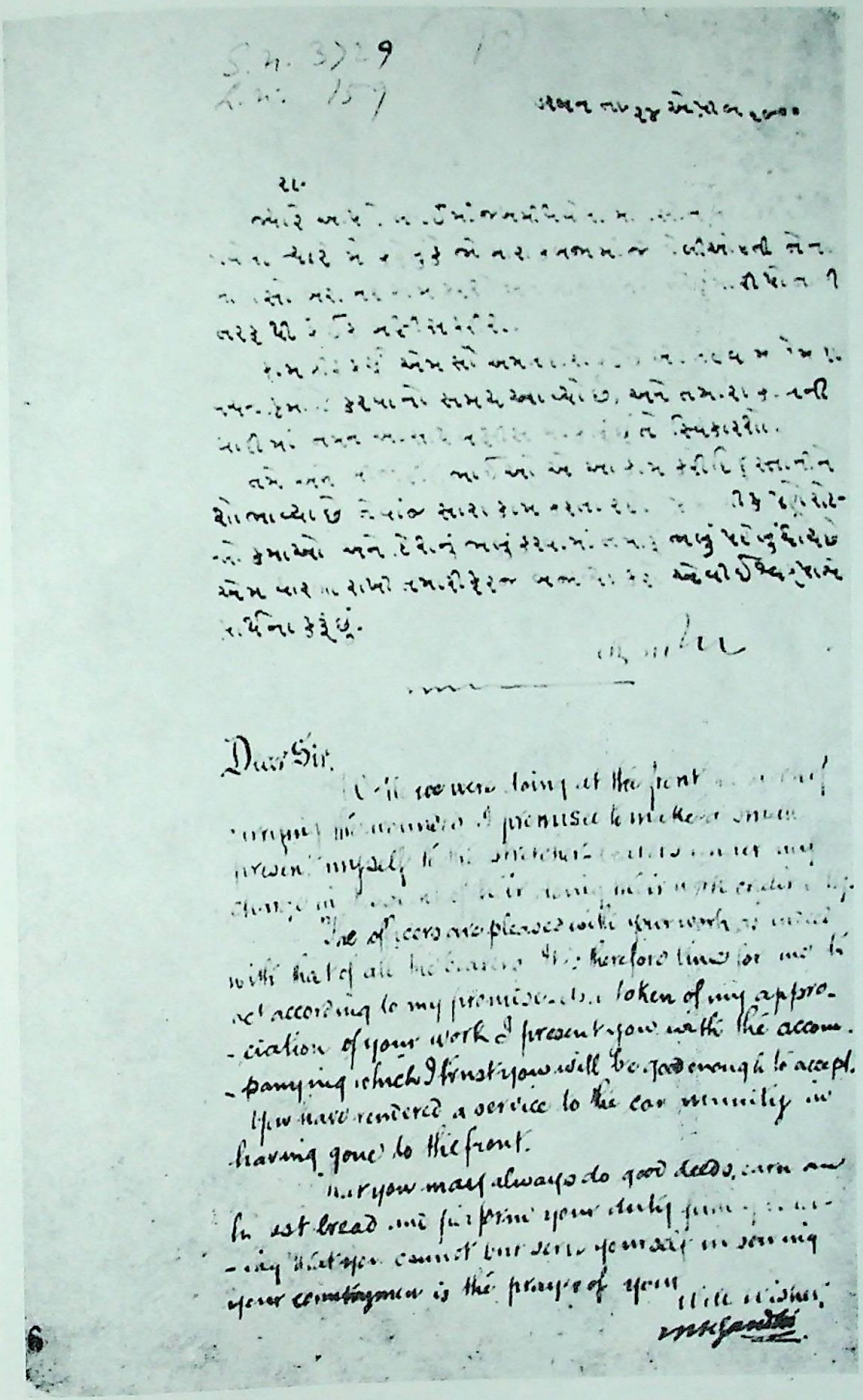


The leaders of the Indian Ambulance Stretcher Bearers' Corps : "A microcosm of all classes and creeds". (p. 276)



Indian Ambulance-bearers under fire: "Cool and plucky behaviour...heroic indifference to the leaden rain." (pp. 329-330)

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Dear Sir,

I wish we were going at the front [illegible] promise to make [illegible] present myself [illegible] may [illegible]

The officers are pleased with your work [illegible] with that of all the [illegible] therefore time for me to act according to my promise and a token of my appreciation of your work I present you with the accompanying which I trust you will be good enough to accept. You have rendered a service to the community in having gone to the front.

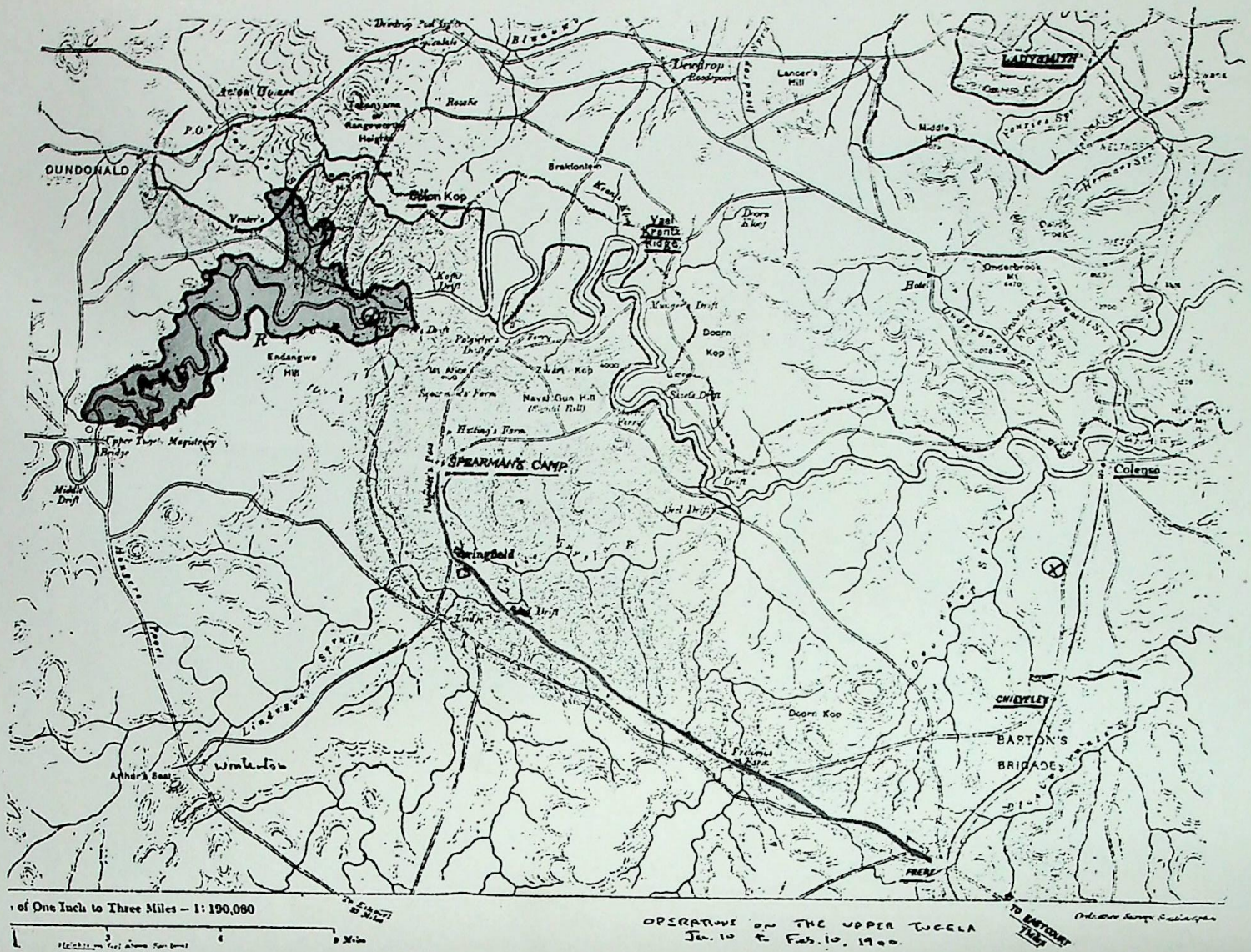
May you may always do good deeds, earn an honest bread and further your duty [illegible] anything whatever cannot but serve yourself in serving your countrymen is the prayer of yours

Well wishes,

M K Gandhi

Gandhi's letter while making presents to his comrades in the Indian Ambulance Corps in lieu of the "Queen's Chocolate" which they were denied. (pp. 329-330)

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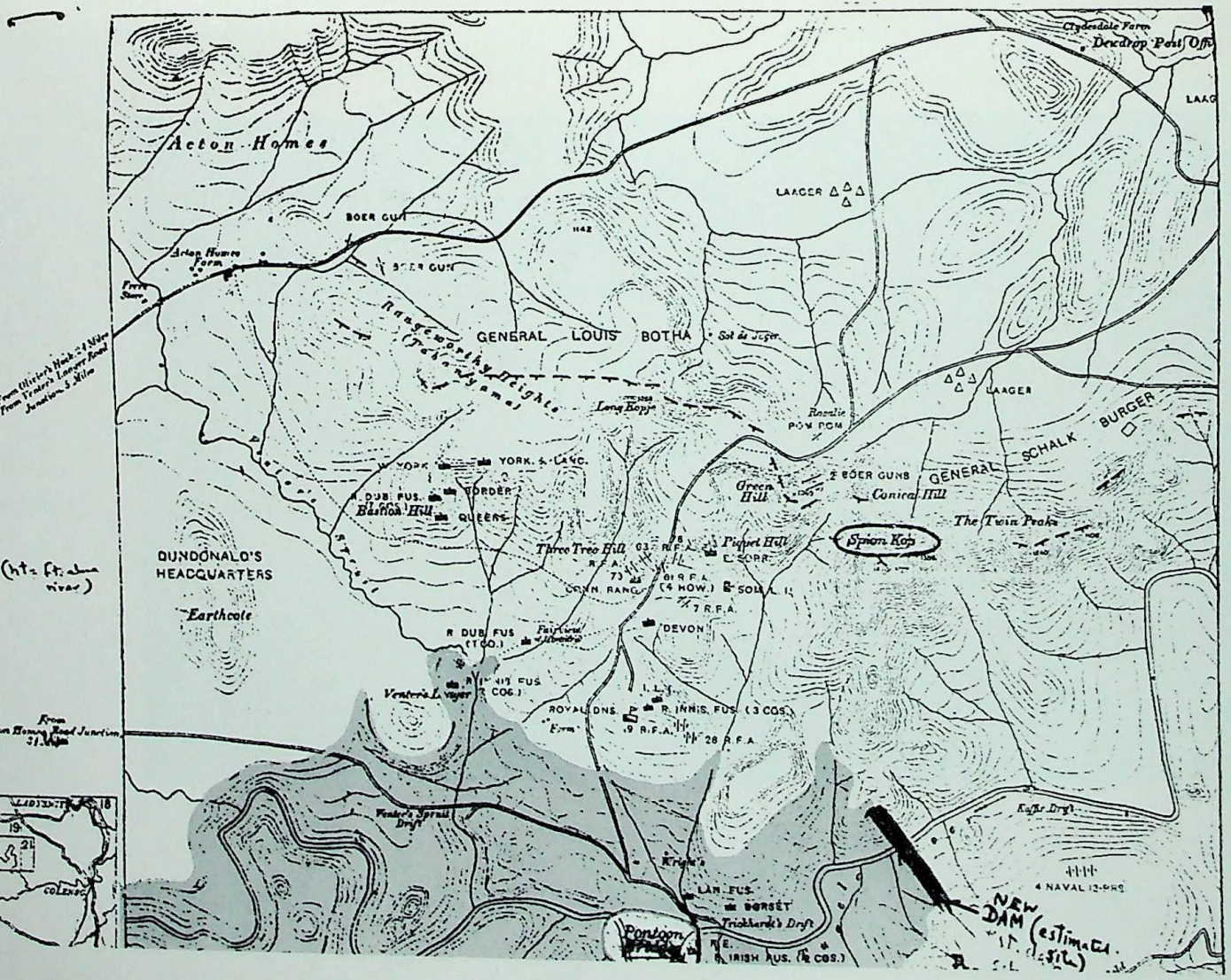
The battle of Spion Kop : The route traversed by the Indian Ambulance Corps in red. *(pp. 284-287)*

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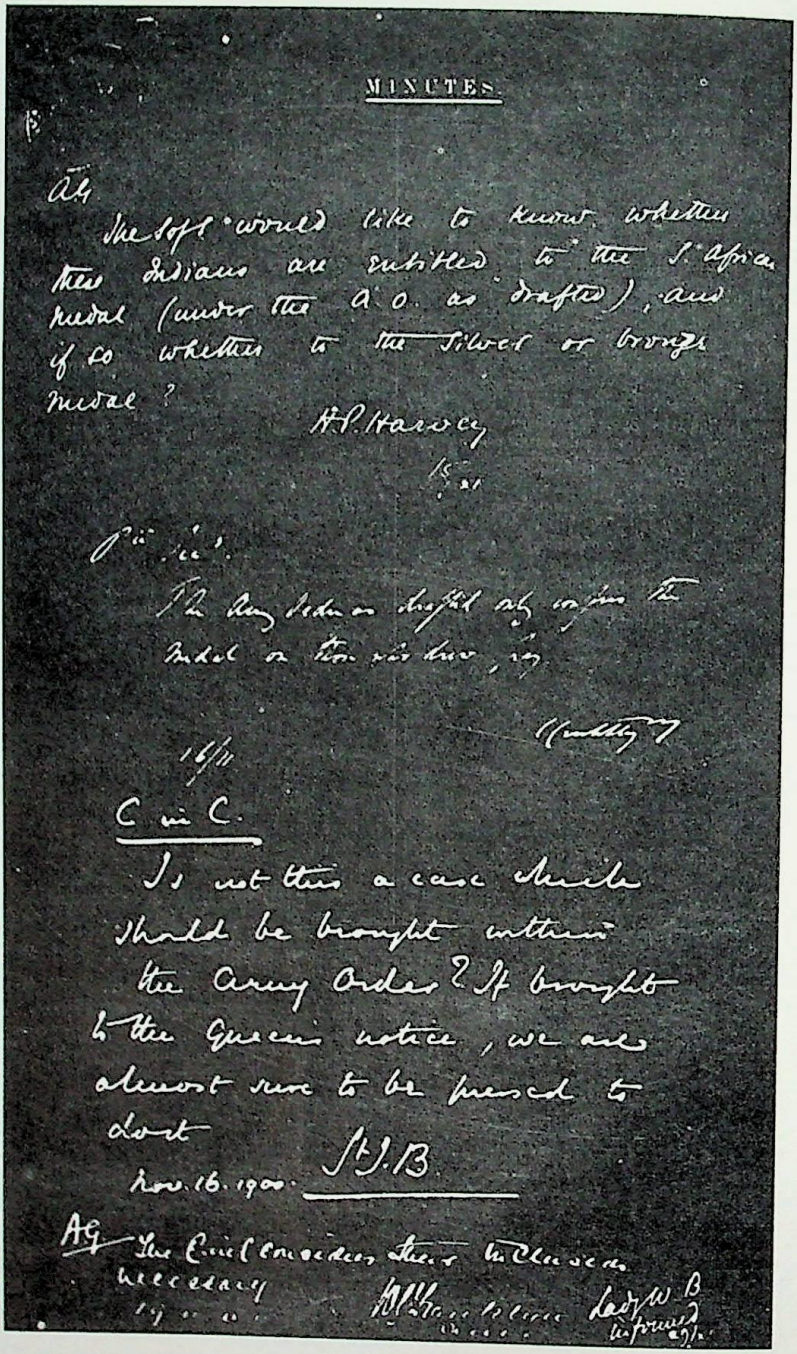
SPION KOP

POSITION OF TROOPS AT SUNSET 26TH JANUARY 1900.



The site of the pontoon bridge which the Corps crossed under fire, at present submerged by the construction of the artificial lake. (pp. 284-287)

The war Office Minute on the inclusion of the leaders of the Indian Ambulance Corps in the War Medals roll. (pp. 321-322);
also Appendix A—No. 1



MINUTES.

AG

The Sec[y] of State would like to know whether these Indians are entitled to the S. African Medal (under the A.O. as drafted), and if so whether to the Silver or Bronze Medal?

H.P. Harvey
15.11

Jno. Lee.

The Army Medal Committee might also consider the Medal question, when they meet.

15/11

C in C.

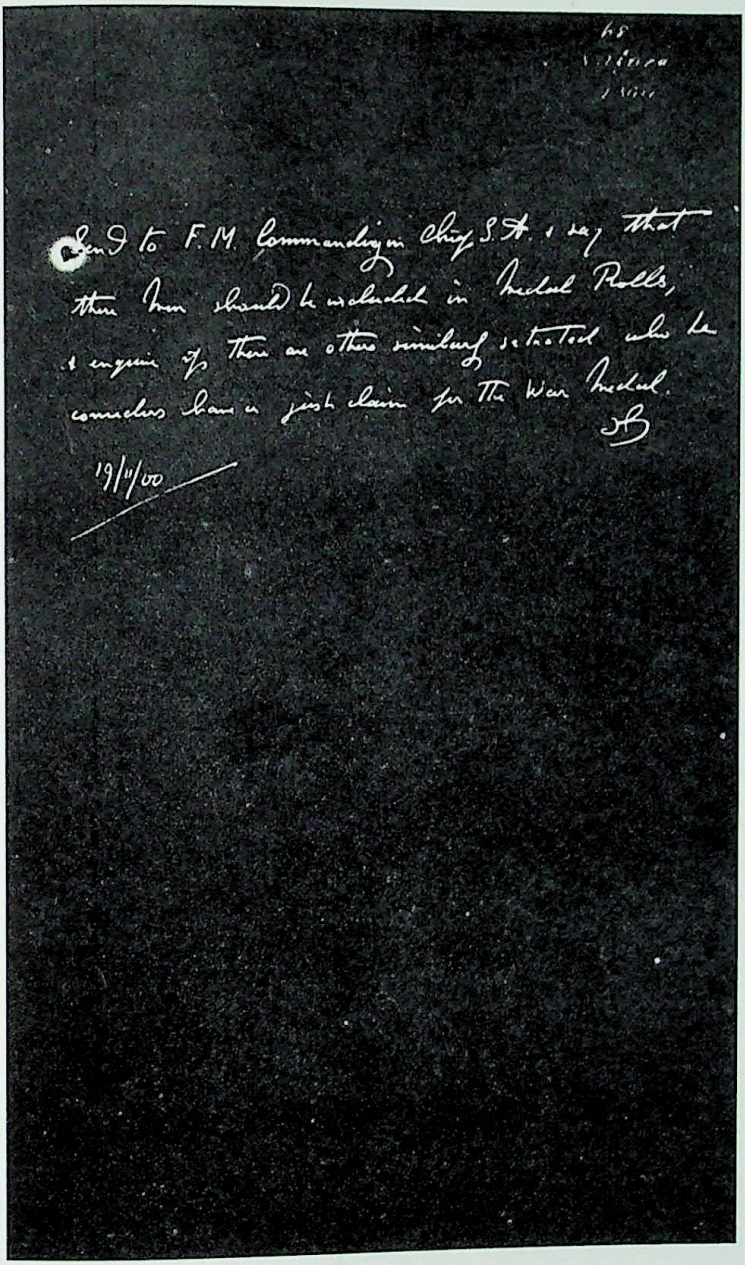
Is not this a case which should be brought within the Army Order? If brought to the Queen's notice, we are almost sure to be pressed to grant

Nov. 16. 1900. J.J.B.

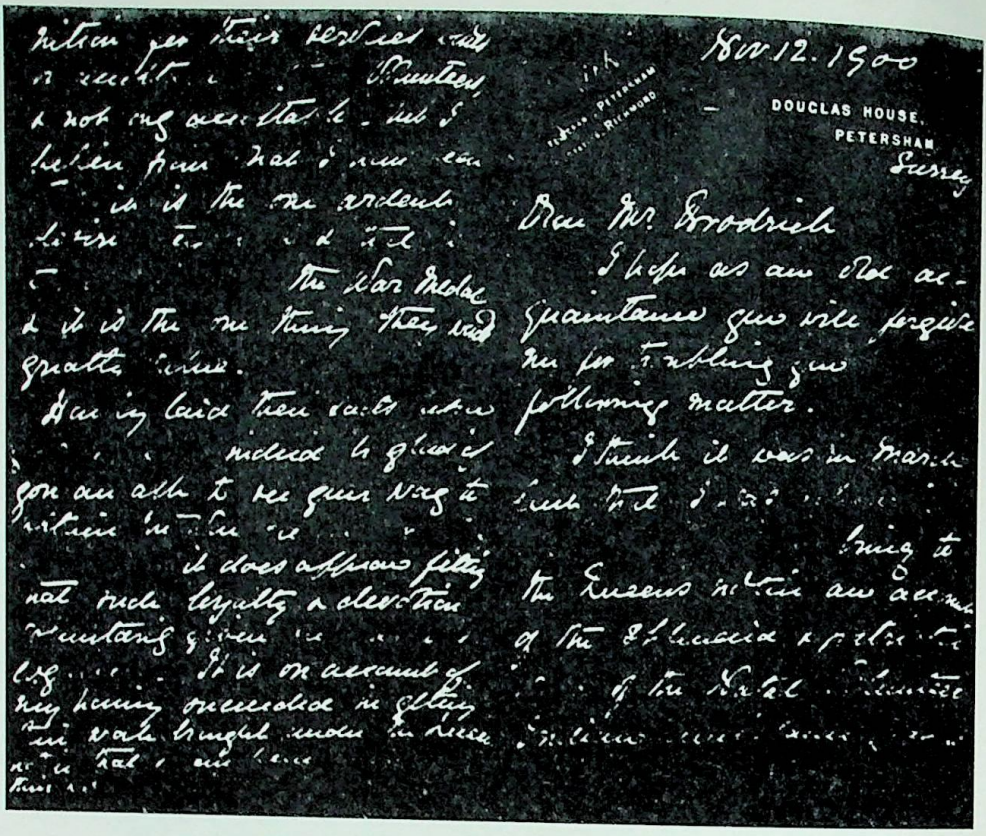
AG The Committee should consider this question if necessary

Lady W. B informed 21/11

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Send to F.M. Commanding in Chief S.A. & say that there have should be included in Medal Rolls, & enquire if there are others similarly situated who be considered shall a fresh claim for The War Medal.

19/11/00



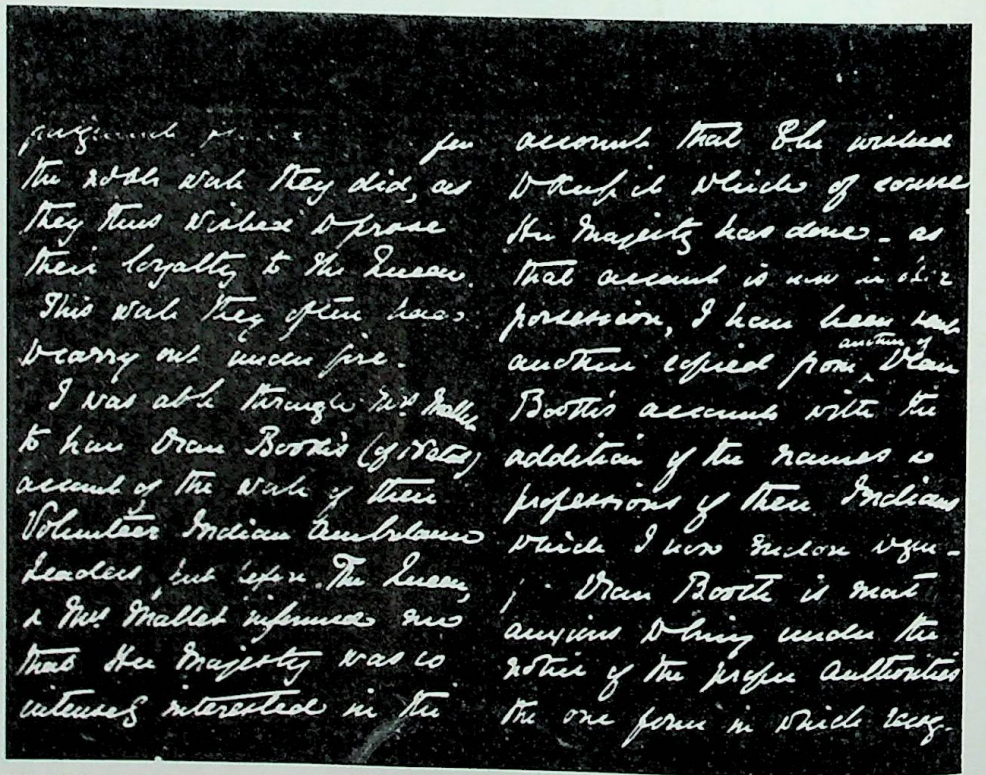
DOUGLAS HOUSE,
PETERSHAM
Surrey

Nov 12. 1900

Dear Mr Broderick

I hope as am not ac-
quaintance you will forgive
me for troubling you
following matter.

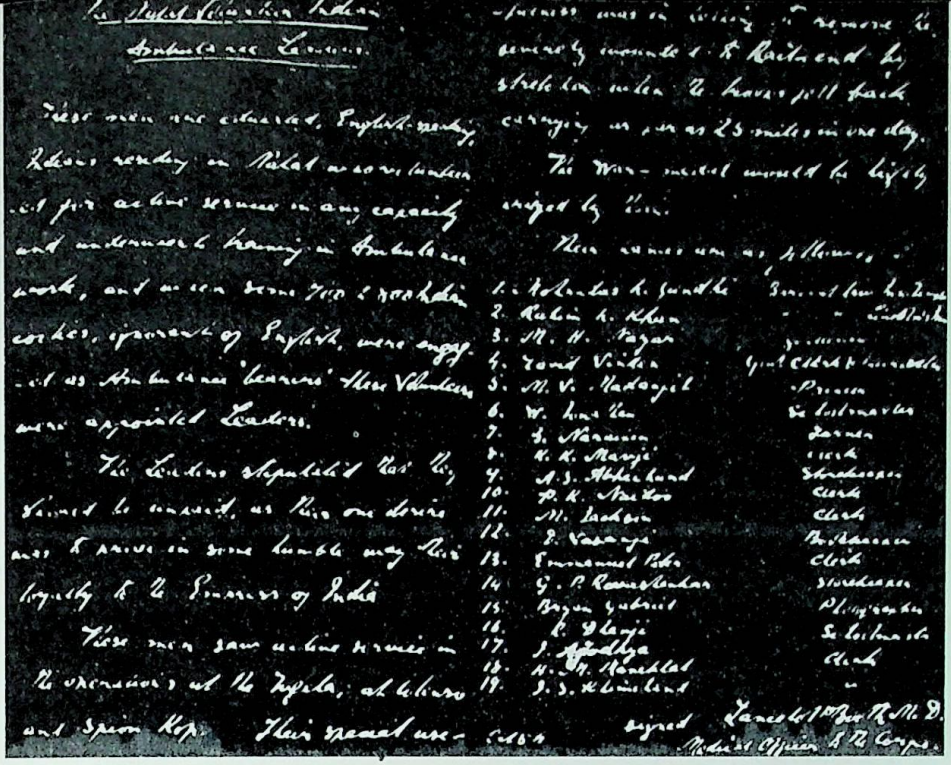
Owing to
the Queens notice an account
of the Colonials
of the Naval

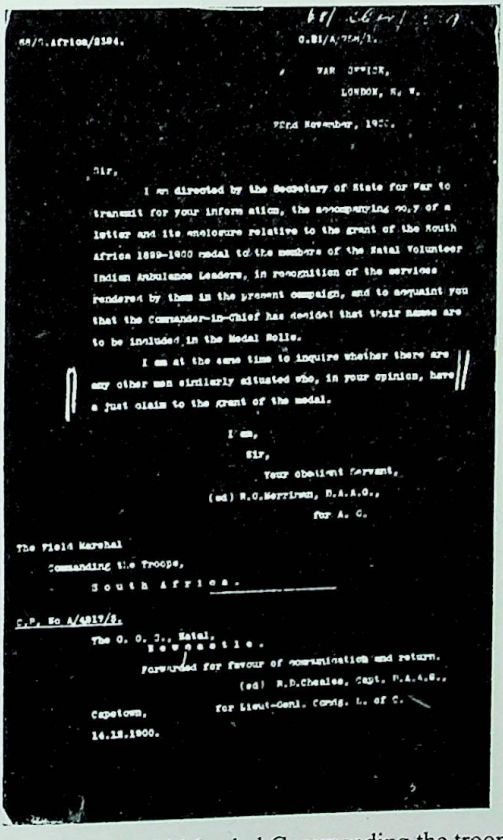


the Naval Vale they did, as
they thus wished to prove
their loyalty to the Queen.
This Vale they often have
to carry out under fire.

I was able through Mrs Mallet
to have Dear Booth's (of Vale)
account of the Vale of their
Volunteer Indian Ambulance
Leaders but before the Queen,
& Mrs Mallet informed me
that the Majesty was so
intensely interested in the
account that She wished
to read it which of course
Her Majesty has done - as
that account is now in our
possession, I have been
another copied from Dear
Booths account with the
addition of the names &
professions of these Indians
which I now enclose you -
Dear Booth is most
anxious to bring under the
notice of the proper authorities
the one form in which they

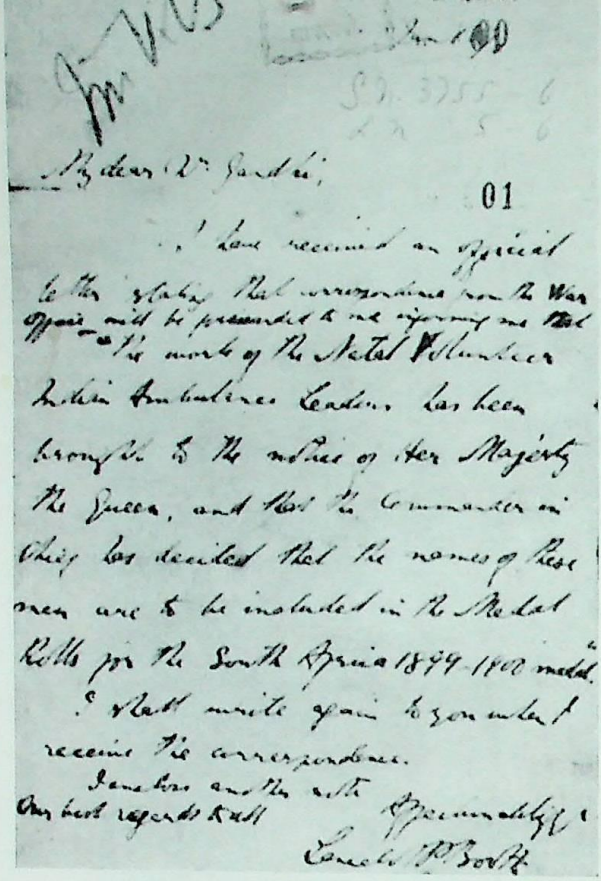
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Letter from War Office to the Field Marshal Commanding the troops in South Africa, sanctioning the award of medals to Indian Ambulance Corps leaders. (p. 322); also Appendix A—No. 3.

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My dear Mr Gandhi,

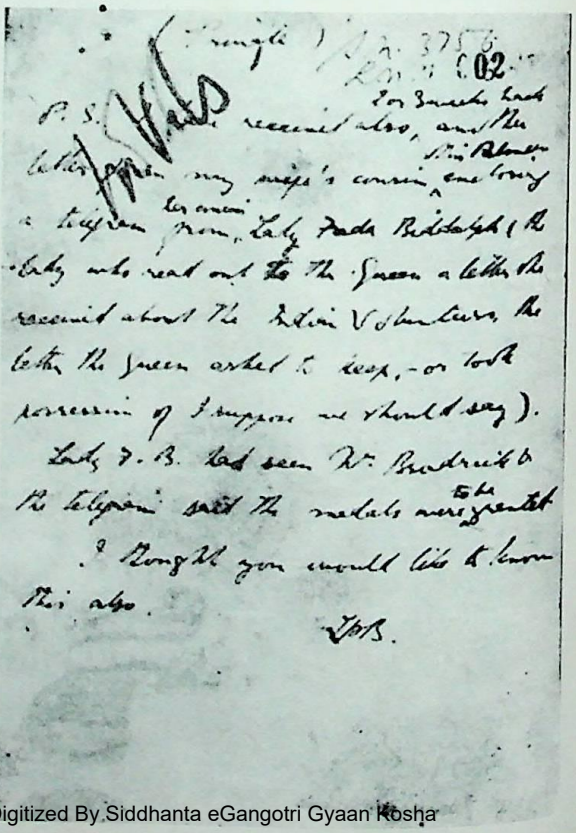
01

I have received an official letter stating that arrangements for the War Office will be presented to me expressing on the part of the wearers of the Natal Volunteer Medical Ambulance Corps has been brought to the notice of Her Majesty the Queen, and that the Commander in Chief has decided that the names of these men are to be included in the Natal Rolls for the South Africa 1899-1900 medal.

I shall write again to you when I receive the correspondence.

Yours truly and with
Our best regards Ever

Lancelot P. Booth



02

P.S. Yes I received also, and the letter from my wife's cousin, one Lady [illegible] telegram from Lady Dadabhai & the Lady who read out to the Queen a letter she received about the Indian Volunteers the letter the Queen asked to keep, - or took possession of I suppose we should say).

Lady D. B. had seen Mr Broderick & the telegram said the medals were granted.

I thought you would like to know this also.

Yours.

Dr. Lancelot P. Booth's letter communicating the happy news to Gandhi (p. 322); also Appendix A—No. 4

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10. The medical arrangements have been everything that could be desired. I am sure that I only express the feelings of the whole force when I say every one is grateful to Sir William McCormac, Mr. Treves, and Sir William Stokes, whose skill has saved several lives and mitigated much suffering, and whose knowledge and experience have been a blessing to the sick and wounded.

Colonel T. J. Gallwey, C.B., Principal Medical Officer, has devoted himself to his work with marked success, and it is largely due to his great administrative powers and forethought, that everything has worked so smoothly.

Colonel J. A. Clery, who has been in charge of the general hospital at Mooi, has displayed great powers of organisation and readiness to overcome difficulties. His hospital is a source of admiration to all who have visited it.

Lieut.-Colonel W. B. Allin has been Principal Medical Officer of the force in the field, and has had to make all the arrangements for the evacuation of hospitals, and the removal of the wounded, which have, under great difficulties, been performed with great regularity, and yet with the greatest consideration for the wounded.

Lieut.-Colonel P. H. Johnston has been most successful in his management of the general hospital at Pietermaritzburg.

Colonel Gallwey mentions in the highest terms the assistance he has received from his Secretary, Major W. Babtie. I have already recommended this Officer for the Victoria Cross, in recognition of his gallantry at Colenso on 15th December.

Lieutenant E. T. Inkson's name has been specially mentioned to me for having habitually distinguished himself in action, and for his care of the wounded under fire.

Where all have worked so well, it is difficult to discriminate, but the names of the following Officers have been specially brought to my notice:—

(a.) Medical Officers attached to Regiments and Corps.

Major S. Butterworth.
Major H. B. Hinde.
Major A. S. Rose (wounded).
Captain M. L. Hughes (killed).
Captain R. H. E. Holt (killed).
Captain N. Tyacke.
Captain J. H. Campbell (wounded).
Captain C. Dalton (dangerously wounded).
Lieutenant H. B. Onraet (killed).

(b.) Medical Officers with Bearer Companies.

5th Brigade, Major S. Townsend.
10th Brigade, Captain C. Martin.
4th Brigade, Major E. O. Milward.
2nd Brigade, Major J. E. T. Reckett.
6th Brigade, Major T. B. Winter.
11th Brigade, Major Haywood.
5th Brigade, Captain E. M. Morphew.
6th Brigade, Captain J. D. Alexander.

(c.) Medical Officers with Field Hospitals.

2nd Field Hospital, Major J. T. Culling.
2nd Field Hospital, Captain H. J. Parry.
4th Field Hospital, Major G. T. Goggin.
4th Field Hospital, Major F. S. Henston.
4th Field Hospital, Lieutenant and Quarter-Master R. Adams.
5th Field Hospital, Major G. H. Younge.
5th Field Hospital, Captain E. M. Pilcher.
5th Field Hospital, Lieutenant and Quarter-Master J. Hirst.
11th Field Hospital, Major J. D. Moir.
11th Field Hospital, Captain F. G. Faichnie.
11th Field Hospital, Major A. Fitzgerald.
2nd Division Field Hospital, Major A. Baird.
5th Division Field Hospital, Major J. G. Black.

(d.) Volunteer Ambulance Corps.

Major H. Wright, Gordon Highlanders.
Captain Lord R. Manners, King's Royal Rifle Corps.
Lieutenant E. M. Baker, Manchester Regiment.
Lieutenant C. W. McD. Findlay, Gordon Highlanders.
Second Lieutenant J. R. E. Stansfield, Gordon Highlanders.
Second Lieutenant, P. D. Stewart, Gordon Highlanders.

(e.) Indian Ambulance Corps.

Mr. Clarence, Superintendent.
Mr. Ghandi, Assistant Superintendent.
6th Field Hospital, Captain N. Faichnie.
10th Field Hospital, Major E. R. Cree.
6th Field Hospital,, Major J. B. W. Buchanan.

(f.) Line of Communications Hospitals.

No. 4 Stationary Hospital, Major B. Kirkpatrick.
No. 4 Stationary Hospital, Major R. Mallins.
No. 1 Stationary Hospital, Major F. A. B. Daly.
Estcourt Hospital, Major W. S. Downman.

(g.) General Hospitals.

No. 4 General Hospital, Major T. R. Lucas.
No. 4 General Hospital, Major S. F. Treyer.
General Hospital, Pietermaritzburg, Major A. Dodd.
General Hospital, Pietermaritzburg, Major T. Browning.

(h.) Hospital Trains.

Major Brazier-Creagh.
Captain Leumann, Indian Medical Service.

(i.) Base Depot Medical Stores.

Major R. J. MacCormack.

(j.) Hospital Ships.

Lieut.-Colonel F. Hodder (retired pay).
Major T. P. Woodhouse.
Civil Surgeon Brodie.
Civil Surgeon Hamilton.

The Volunteer Ambulance Corps, under Major H. Wright, Gordon Highlanders, have shown great devotion and gallantry, and the Indian Ambulance Corps, under Superintendent Clarence, have been most careful of the wounded—the conditions of their enlistment did not allow them to go under fire.

11. I cannot close this despatch without referring to the great loss which the country has sustained by the death in action, or of wounds, of the following Officers:—

Major-General Sir E. R. P. Woodgate, K.C.M.G., C.B.
Lieut.-Colonel C. C. H. Thorold, 1st Bn. Royal Welsh Fusiliers.
Lieut.-Colonel W. McCarthy-O'Leary, 1st Bn. South Lancashire Regiment.
Lieut.-Colonel T. M. G. Thackeray, 1st Bn. Royal Inniskilling Fusiliers.
Lieut.-Colonel R. G. Buchanan-Riddell, 3rd Bn. King's Royal Rifles.

I have, &c.,
REDVERS BULLER, General.

Extract from General Buller's despatch; special mention of the performance of the Indian Ambulance Corps, Gandhi "Assistant Superintendent". (p. 294)

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18/7/17

COLONIAL SECRETARY'S OFFICE MAIL

PIETERMARITZBURG.

2598/01.

16th April,1901.

L.A. 381/01

Sir,

I have the honour to inform you that the subject matter of your letter dated 30th March,1901,was duly communicated to the Military authorities,as requested.It is thought that the reference to you in the despatch alluded to was meant as a compliment to your nationality,of which the Bearer Company was composed.No doubt the work of the other gentlemen mentioned was also of great value,but it is difficult to include all names in a despatch.

I have the honour to be,

Sir,

Your obedient servant,

Principal Under Secretary.

M.K.Gandhi,Esq.,
14,Mercury Lane,
Durban.

Principal Under Secretary's letter dated April 16, 1901 in answer to Gandhi's disclaimer of "Assistant Superintendent" : "A compliment to your nationality." (p. 294; also Appendix B—No. 2

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there they were to be taken to the stationary hospital by the men of the Indian Ambulance Corps. Even before the tents for the leaders of the Corps could be pitched or the men have anything to eat, Col. Gallwey, Principal Medical Officer, came and asked Dr. Clarence, the Superintendent of the Corps, whether his men would be able to carry the wounded to the stationary hospital straightway. There were over 50 of them to be carried to Chieveley station. The Superintendent turned to the leader of the Corps. They said they were quite ready, and at once marched to the Field Hospital—each stretcher having three bearers and three bearer parties having a leader to direct the party and attend to and feed the wounded. The distance to be covered was five miles over rugged ground. But they worked with such will that about 45 wounded officers and soldiers were carried between 7 and 11 p.m. This is how an eye-witness described the scene:

> The dead and dying and the wounded were lying dotted all over the battlefield. Men and horses were found intermingled, torn and shattered in every conceivable manner by shot and shell. The medical staff were out with lanterns all night, bringing in Dutch and English indiscriminately. The Indian Field Hospital men were of the greatest assistance, Indian bearers working steadily and ungrumblingly the whole night. They are a most serviceable corps, and chiefly through their splendid work the wounded were attended to with best dispatch, considering that the night was of intense darkness.[45]

It was nearly midnight when the bulk of the men broke their fast. They were soon ready for service again. Dr. Clarence, the Superintendent of the Corps, went to the Principal Medical Officer and offered to carry more stretchers but the latter insisted on him, his men and leaders having their well-earned rest for the night, and told him to keep them ready to commence work early next morning.

Next morning they were at work even before breakfast. Between 6 a.m. and 11 a.m. they removed over 125 wounded officers and men to the Red Cross train near the Field Hospital and some bad cases to the Chieveley station in the burning sun, without any water to drink either on the way or at the station. While they were returning from their work, many in the hope of getting something to eat and water to drink, orders were received to strike camp and march to Chieveley immediately to entrain for Estcourt. General Buller had ordered a retreat.

So to the station they went, the men and their leaders. The sun was blistering hot and the route was treeless as well as waterless. When they reached the station at three in the afternoon the station master informed them that he could not say when he would be able to place 'carriages' at their disposal. His 'carriages' were open trucks in which soldiers were closely packed like sardines. For the next 36 hours, while they waited, orders and counter-orders kept coming, at one time requiring them to be

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ready to start at a particular hour, at another cancelling the last order. A train left for Estcourt at 8 in the evening. But it was for the European Ambulance men. The Indians were told to shift for the night as best as they could on the veldt. No water was available at the station except for the hospital patients and the station staff. So there was nothing to do but to fetch some dirty water from a pool about half a mile from the station. With this they cooked their food. Only the leaders had been provided with tents. The rest had to lie on the bare ground, some of them even without any blankets. Footsore and weary, what they craved for above all was sleep. But 15,000 of Buller's men with heavy artillery and transports had broken camp and were marching off. During the night the whole of Buller's cavalry rode past the Indian Corps' bivouac, making sleep next to impossible.

Next day they were put on trucks. After five hours of waiting the train proceeded to Estcourt. Here it was found that the Show Ground, which was previously reserved for them, had already been taken up by the European Ambulance. The Indian bearers had, therefore, to camp opposite the Show Ground for two days without any shelter, exposed to sun, rain and storm. They, however, put up with all this discomfort uncomplainingly, deriving consolation from the fact that the soldiers who were in the actual fight had to undergo an even worse ordeal, and that "only the unfortunate British reverse was responsible for their trials".

Among those wounded in the battle of Colenso was Lt. Roberts, Lord Robert's only surviving son. One of the three Aides-de-Camp of the General, who at Buller's call had volunteered to lead a party into an infernal hail of Boer fire to save the guns, he was wounded three times, but insisted on being left where he had fallen, for fear he should hamper the others. He was carried from the Field Hospital to Chieveley by the bearers of the Indian Ambulance Corps early on the 16th and died that night, the leaders of the Corps being privileged to attend his military funeral.

On December 19, orders were issued to temporarily disband the Corps. Before they were sent back to Durban, Colonel Gallwey personally thanked them for the work done by the Corps, and told them that they might expect another call soon. Altogether they had given seven days to this work.

9

Gandhiji had been in Durban hardly a week when one day, while returning to his office in 14 Mercury Lane after lunch, he saw Harry Escombe coming from the opposite direction. "We often used to pass each other like that," he later recalled, "he going out, I coming home, or *vice versa*. But being on opposite pavements we never met or spoke to each other." On this day, however, to his agreeable surprise, Mr. Escombe crossed the street, came over to him and said, "Mr. Gandhi, I have long wished to tell you

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something that has lain on my mind. I am extremely sorry for what happened to you during the Demonstration at the Point on your landing in Durban. I had never realised there was so much Christian charity locked up in the Indian breast."[46] He then went on to express his regret that

> when he passed his Anti-Asiatic measures, he did not know the Indian community as he knew then, and hoped that time would remove any inconvenience that the Indians may have to suffer owing to the legislation.[47]

Gandhiji laughed and told him that so far as he personally was concerned he had long accustomed himself to let by-gones be by-gones and that he hoped there would be plenty of occasions for them to meet and work together for the common good in future. His work in Mercury Lane over, Gandhiji then returned to his residence, "Hardly had I reached home," he recalled many years afterwards, "and settled down in a chair in the lounge, when a servant from Escombe's residence came running and said, 'Mr. Gandhi, Harry Escombe is dead.' "[48]

The following appeared in an official obituary two days later in the *Natal Mercury* of December 29, 1899 :

> It was Mr. Harry Escombe's wont to take walks around Durban whenever he was able to ... He left his home in Beach Grove about 3.15 in the afternoon, and on his way sat on some planks in the passage of Mr. Pope's carriage works. Mr. Pope noticed him with his hand resting on his umbrella and head a little bent but thought he was merely sheltering from rain. Five minutes later, however, an employee called him, stating that Mr. Escombe was sick. Mr. Pope immediately went out and found Mr. Ecombe on one knee. He did not speak although Mr. Pope called him several times by name, and in a few minutes he expired. The body was removed to his residence and Dr. Harris, who was promptly in attendance, pronounced life to be extinct, the cause of death being heart disease.[49]

A tall bearded man, Captain of the Royal Volunteer Naval Corps, old Harry was a familiar figure going about the town in his naval uniform—full of vigour despite the advance of age, erect and active and busy till the very end. He, his daughter and his son-in-law, Lt. Col. Bousefield, were on very intimate terms with many Indians—Vincent Lawrence, Gandhiji's confidential clerk, being one of them. In 1903, the Colony honoured its late Attorney-General and Prime Minister by erecting a statue in his memory in the Town Gardens of Durban. Commenting on Sir John Robinson's speech at the unveiling, Gandhiji in a paragraph entitled 'Natal's Pride', wrote :

> Although there were often occasions for the British Indians to complain of his attitude, it can never be said of him that he did anything in the justice of which he did not fully believe. For the

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> man who could risk his position, his great popularity, for the sake of what he believed to be the truth (we refer to the attitude, up to the day of his death, on the Bar problem) in the teeth of practically united opposition of the whole Colony, was not the man who would do anything against his firm convictions.[50]

Making public for the first time the contents of his last conversation with the deceased 'three hours before he died', and how 'in later years on the Indian question the Right Honourable Gentleman' had 'considerably modified' his views, Gandhiji concluded: "And if we mote an instance which is not recorded in the newspapers, we do so in order to do justice to the fairness and the magnanimity of the great man."[51]

10

The second summons to the front came on the eve of Spion Kop, about a month after the first. After the reverse at Colenso, Buller telegraphed to England that he did not consider the relief of Ladysmith to be possible, and heliographed a message to Sir George White suggesting surrender. White ignored the advice and issued a proclamation in Ladysmith that the defence would be continued "in the same spirited manner as it has hitherto been conducted", until they were relieved.

On receiving Buller's despatch the British Cabinet decided that he was not equal to his responsibilities. A directive was immediately sent to him to persevere or, if unwilling to do so, hand over the Natal Command to one of his subordinates and to return home. On the same day, Sunday December 17, the War Office issued orders to send to the seat of war all Great Britain's reserves, her entire available colonial troops, mounted volunteers and yeomanry, and a strong division of militia. An army of 180,000, in other words almost the entire might of the Empire, was to be hurled into South Africa. Later in the day, at an informal meeting of such Ministers as were in town and available, it was decided, without waiting to consult Lord Wolseley or the War Office, to offer the supreme command in South Africa to Lord Roberts of Kandhar, with Lord Kitchener of Khartoum fame as his Chief of Staff. Being telegraphed, Lord Roberts in spite of his sixty-five years, accepted the offer, and on the evening of December 23 sailed by the *Dunottar Castle* for South Africa. General Buller continued to be in command in Natal.

Not since the era of Napoleon had there been a more mournful Christmas in England with so many darkened homes and saddened hearts. Twenty-five miles upstream from Colenso the stark eminence of Spion Kop—so called—because from its top the Boer Voortrekkers had first in 1835 gazed down upon the Promised Land of Natal—was the key unlocking the door to Ladysmith. If the Afrikaners held the Kop the British supporting force

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would not be able to bring its guns across the river. On the other hand, if the British seized and held it, the Boer positions on either side of it would be rendered untenable and their whole line would be forced back. General Buller decided to make another attempt to take his troops across the Tugela, and to force his way to Ladysmith through Spion Kop. Following it, on December 27, 1899, the Chief Engineer of the Public Works Department wrote to Dr. Booth on behalf of General Wolfe-Murray 'to convey to you and Mr. Gandhi' the thanks of the military authorities for the valuable assistance they had rendered and to ask if they could count upon 'Mr. Gandhi and your Indians' for similar assistance on the Corps being again required. Wagons. water-carts, etc., for the Corps and tents for about 900 bearers, it was intimated, would be provided this time, and all preliminary arrangements had been made so that if necessary the Corps could be assembled on January 1, 1900. Gandhiji immediately contacted all the members of the Corps and their leaders and asked them to be ready to set out at a moment's notice. On January 7, he wired to Colonel Gallwey, that 500 free Indians and most of the former leaders were ready to do Ambulance work, that Dr. Booth had obtained leave and would act as Medical Officer as before and had further consented to act as Superintendent, if called upon, so that their Durban Corps was now complete in itself and anxious to start work. On the same day the Corps was reformed and proceeded to Escourt.

A fortnight, however, elapsed before they were called for active duty at the front. This interval was utilised for strenuous drilling of the men and their leaders under the indefatigable Dr. Booth. The drill consisted in teaching the volunteers how to lift the wounded and to place and carry them on stretchers. They were also made to perform long marches on extremely rugged ground. By the time they were called to the front they were quite inured to work under strict military discipline.

Their mettle was put to the test on the very first day. Orders were received at 2 a.m. to break camp and march to the station within three hours and entrain at 6 o'clock in the morning for Frere. Frere was the railway base and station, where the wounded had to be brought before they could be taken to the General Hospital. From here a distance of 25 miles was to be covered on foot to reach the headquarters at Spearman's Farm. The start was inauspicious. In the words of the special correspondent of the *Natal Witness*:

> Early in the afternoon, ... clouds began to bank upon the horizon, and ... a storm seemed imminent. ... At the first dip between the station and our camping ground, the leading wagon stuck fast and half an hour elapsed before it could be extricated. By that time, a terrific wind had arisen, which appeared to be blowing the threatening thunderstorm away from us to the south-ward. ... In less than

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> three-quarters of an hour, the wind suddenly veered, bringing the storm back with tremendous force and hail along with it ... The hail certainly ceased after a while, but the rain continued in a steady downpour. ... At length it was decided to halt and wait for the wagons, and the rain having now stopped, although the clouds gave evidence of more to follow, ovens were made out of ant-heaps, at which we endeavoured (for the most part, unsuccessfully) to dry our sopping garments. ... At 8 o'clock, just as we were becoming partially dry and recovering our spirits under the influence of the fires, down came the rain again in tropical torrents. All the time, a bitter wind blew, and for discomfort our situation could scarcely have been excelled. The leading wagon had got stuck in a drift from which, owing to the awful state of the road and weather, the combined spans of oxen (32) had been quite unable to remove it ... [52]

The engagement at Spion Kop was one of the fiercest. On January 24, 1900, under the friendly cover of a starless night, a British force swarmed on its flat summit, Major General Woodgate leading the way. On higher ground, facing and stretching round it in a half circle, were entrenched 11,000 of Botha's Afrikaners. Early in the morning the Boers made the counter-attack. The British troops found themselves exposed to a cross fire coming on their left, as they faced the Afrikaner trenches, while the pin-point of the flat top of the hill, on which were massed 4,000 of their men with very little cover, was swept by the shell, Maxim and rifle fire from the Boer position. Sixteen hours after the first shot was fired, the plateau was carpeted with 1,300 British dead and dying, horribly mutilated by the shelling and covered by swarms of bloated flies under a blazing hot sun. At nightfall they abandoned the position. Buller retreated heavily in defeat. On January 24, he was again on the other side of the Tugela.

Spion Kop, or the hill of Spion, overhangs an area of bush. Here tents had been pitched to form a Field Hospital. From the Field Hospital the wounded, after being dressed, were to be removed to Spearman's camp—a distance of about three miles. A narrow stream lay between the Field Hospital and Spearman's Farm. Across this was erected a temporary pontoon bridge, which was within the range of Boer guns. The route between Spearman's Farm and Frere was rugged and hilly. The Indian Corps had reached the base at Spearman's Farm on the night before. Next morning 50 stretcher-bearers were sent out. Throughout the day the Indian followers, who had come with the contingent from India, had been going forward stolidly to the firing line to remove and succour the wounded. The Boers fired on them 'with the utmost impartiality', as they 'either could not or would not see the red-cross badge'.[53] Their superb coolness, amidst the hail of bullets and shells, had excited the most unstinted admiration and praise. When the engagement was at its hottest, Major Bapty, Secretary to Colonel Gallwey, who was afterwards decorated with the V.C., came

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and said to them that, though they were not bound to take the risk, General Buller would very much appreciate it if they would be prepared to enter the danger zone and work from the other side of the pontoon. The need there was great. There were many wounded to be removed from the Field Hospital. "There is just a chance," he added, "though very remote", that the Boers "may drop a shell or two on the pontoon. But if you are prepared to cross the bridge, in spite of the little risk, and you are at liberty to say 'no', I shall be glad to lead you."

These words, as Gandhiji afterwards recalled, were uttered in such a gentle and friendly tone that with one voice the leaders and men offered to follow the gallant Major. No one was allowed to go up the hill but the work at its base was more than sufficient to tax everybody's capacity to the utmost and the awful fire kept the stretcher-bearers tramping between Spion Kop and Frere for several hours. By evening almost all the wounded were brought to the stationary hospital,

> the bearers ... having to make three or four journeys from the temporary hospital to the base. Full three weeks were thus passed ... emptying one hospital after another, chiefly the stationary hospital. During the time, five journeys were made to Frere, the men three times carrying the wounded the whole distance of 25 miles in a single day, and twice taking them up at or near the little Tugela bridge at Springfield from the European bearers.[54]

Gandhiji was in charge of one of these parties of bearers. When General Woodgate fell mortally wounded in the earlier phase of the engagement, it was to his care that the dying man was consigned. He helped to carry the sufferer from the Field Hospital to the base hospital. The agony of the General was excruciating during the march and the bearers had to hurry through the heat and dust, fearful lest he should die before they could reach camp. Not satisfied with having carried their charge to safety the leaders and the Indian bearers at each stopping place during the long marches spared no effort to attend to the wants of the wounded, helping them to tea and fruit bought with their own money, or out of their own rations.[55]

The remarkable performance of the 'light-footed, elastic-stepped' Indian bearers, who covered the whole distance of 25 miles with their charge under a trying sun and over a difficult road in one day—Colonel Gallwey had given them the option to do it in two days—won them the praise of even seasoned soldiers and it was freely said that they alone could perform such a feat. The special correspondent of the *Natal Witness* observed :

> One hundred miles in five days may be accounted fairly good walking for a man unburdened with any weight but that of his own carcass and clothes. When the wounded have to be carried on stretchers for nearly half that distance, and the greater portion of the remainder is traversed by men laden with heavy kit, such marching

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I think will be acknowledged as very creditable work. Such is the feat lately performed by the Indian Ambulance Corps, and one that anybody ... may be proud of.[56]

11

On the morrow of his return to his base across the Tugela, General Buller astonished everybody by announcing that he had found the key to the position and that he hoped to be in Ladysmith in a week. On the east of Spion Kop was a high mountain called Doornkloof. Between these two peaks was a low ridge, called Brakenfontein, and a small detached hill, named Vaalkrantz. Buller's plan was to make a feigned attack on Brakenfontein, and then by a sudden spring with his main force seize the summit of Vaalkrantz, the outer door which opened on to the passage to Ladysmith. The summit of Vaalkrantz was occupied according to plan, but there was such lethargy in the follow-up action that the Boers were able to bring up their guns and the story of Spion Kop was more or less repeated here also. With one of the Boer 'Long Toms' stationed upon Doornkloof and several small guns and pom-poms spitting from nooks and crevices in the hills, Buller's men found themselves exposed to Afrikaner fire from three points of the compass. After a long day under an incessant cannonade by the 'Long Toms', order was given to abandon the position at nightfall on February 7, and again to withdraw across the Tugela.[57]

The Indian contingent was under fire at Vaalkrantz also, the shells falling a few yards in front of them as the bearers removed the men. Hospital orderlies, water carriers, nurses and bearers, records Joseph Doke, all were willing to do anything in dire need. They acquitted themselves with great credit and earned the unstinted praise of the soldiers.

In addition to his ambulance duties, Gandhiji was in charge of the provisioning department. He distributed the wages to the bearers, kept account of all the expenses incurred, and looked after the men under his charge. While he attended to all their legitimate needs with a mother's tender care, in the discharge of duties he was a hard task-master, who spared neither himself nor others. Malingerers and shirkers received no quarter from him. A martinet for discipline, before granting anyone leave he obtained from him an undertaking in writing that if his absence from work was subsequently found to be without sufficient cause the man in question would be prepared to forfeit the entire amount of the pay as penalty. His multifarious duties kept him so busy that at Colenso he had to be on his legs night and day, and in spite of the plenty before him, was unable to have anything to eat for a whole 24 hours simply for want of time.[58]

He shunned publicity for what had been undertaken as a matter of duty. Following the battle of Colenso he had been persuaded to contribute

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notes to the *Natal Advertiser* on the work of the Indian Ambulance Corps. But an English friend who saw them wrote to him that there should be very little said by the Indians themselves about the work done by them in connection with the war. Agreeing with his friend that their part was 'merely to do without speaking', Gandhiji declined the invitation when next time the editor of the *Advertiser* asked him to send a similar account of their work at Spearman's Hill, during the action at Spion Kop and Vaalkrantz.[59]

A graphic pen-picture of Gandhiji in action and the work of the Indian Ambulance Corps by a European, who had taken part in the campaign, appeared in the *Illustrated Star of Johannesburg*. He had first met Gandhiji on the road from Spion Kop after the fateful retreat of the British troops. The previous afternoon he had seen the Indian mule-train move up the slopes of the Kop carrying water for the distressed soldiers, who lay powerless on the plateau. The mules carried water in immense leather bags slung over their backs, one on each side, led by Indians at their heads. "The galling rifle fire which heralded their arrival on the top, did not deter the strange-looking cavalcade which moved slowly forward, and as an Indian fell, another quietly stepped forward to fill the vacant place." Afterwards began the grim duty of the Corps that Gandhiji had organised. It was on such occasions, observed the *Illustrated Star's* correspondent, that the Indians proved their fortitude, and the one with the greatest fortitude was Gandhiji himself. After a night's work, which

> had shattered men with much bigger frames I came across Gandhi in the early morning sitting by the roadside—eating a regulation Army biscuit. Every man in Buller's force was dull and depressed, and damnation was heartily invoked on everything. But Gandhi was stoical in his bearing, cheerful, and confident in his conversation, and had a kindly eye. He did one good. It was an informal introduction, and it led to a friendship. I saw the man and his small undisciplined corps on many a field of battle during the Natal campaign. When succour was to be rendered they were there. Their unassuming dauntlessness cost them many lives, and eventually an order was published forbidding them to go into the firing-line.[60]

12

The repulse at Vaalkrantz marked the nadir of the fortunes of British arms in South Africa and rendered the position of the besieged garrison at Ladysmith more critical than ever. Nestling in one of the dips of the vast rolling hills hugging a kopje and a deep delved stream, and shaded by a few green trees, the dusty little tin-roofed Ladysmith before the declaration of war was a sleepy garrison town, consisting practically of two parallel streets and a few detached villas. Whatever local importance it possessed it owed to the fact that it was the junction of the Transvaal and

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Orange Free State railway systems. But this quaint little place had now become the key of South Africa and South Africa was the key of the British Empire. Already Lord Roberts and Kitchener were speeding on their way to inaugurate an invasion of the Free State, and orders had gone to Buller to relieve Ladysmith at all costs. A great British army, 'the largest ever assembled for a foreign campaign", had been massed in South Africa. With forces outnumbering the Boers at least by six to one in the beginning and with the balance rapidly increasing in their favour, Lord Roberts did not take long to turn the tables on the Boers. On February 13, 1900 Sir John French's cavalry crossed the Modder, circled the Afrikaner flank, broke the light detachment that Cronje had sent to oppose them and entered Kimberley after it had been besieged for 124 days. In the afternoon with Kitchener he was given a tumultuous public reception at the Town Hall, where Kitchener's "manly physique, ..., unaffected bearing and smile' caused havoc in feminine hearts". [61] On February 27, the anniversary of Majuba Hill, Cronje, who had been left without reinforcements as a result of the success of Lord Robert's diversionary tactics, capitulated at Paardberg with 4,000 men. The same day at his fifth attempt Buller crossed the Tugela and on February 28, 1900 entered Ladysmith breaking its 118-day siege when its inhabitants, stricken by illness, had come to the end of their tether.

The town was littered with debris and the whole locality needed cleaning up. Again the authorities approached Gandhiji. "We want 200 men, not for hospital work but for sweeping the place clean. Would you be able to provide them?" The required men were provided and the job was attended to with as much diligence and pride as any that they had been entrusted with before.

Soon after the relief of Ladysmith both the Indian Ambulance Corps and the European Corps were finally disbanded. The Indians were, however, always prepared to rejoin, and in the order disbanding the Corps it was stated that the authorities would certainly utilise their service if operations on a large scale were again necessary.

Gandhiji lost no time in sending on behalf of the leaders of the Ambulance Corps congratulations to General Buller on the relief of Ladysmith. A few days later on March 4, 1900 at a public meeting in the Congress Hall in Durban which was attended by about 1,000 Indians and 60 leading Europeans, the Indian community unanimously resolved to send similar congratulatory telegrams to the victorious Generals—Roberts, Buller and Sir George White, on their brilliant success, taking special pride in the fact that both Lord Roberts and Lord George White had at one time been Commanders-in-Chief of the Indian forces. Gandhiji in moving the resolution reiterated that it was the Indians' 'proudest boast' that they were British subjects. "If they were not, they would not have had a footing in

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South Arica."[62]

The meeting was presided over by Sir John Robinson. In his speech, paying a tribute to the Indian community for the part played by it during the crisis, he said:

> Though you were debarred from actual service in the field, you were able to do excellent work in succouring the wounded. I cannot too warmly thank your able countryman, Mr. Gandhi, upon his timely, unselfish and most useful action in voluntarily organising a corps of bearers for ambulance work at the front at a moment when their labours were sorely needed in discharging arduous duties which experience showed to be by no means devoid of peril.[63]

13

It was during Ladysmith's long siege that an indentured Indian volunteer covered himself with glory by a unique act of heroism. The town had been under fire since November 2. On the east of it, broken by the loops of the Klip river, stretched a broad green plain some miles in extent. Beyond it rose a long flat-topped hill Umbulwana, or Bulwane, upon which lay one of the two great Boer Creusot guns, 'Long Toms', as they were popularly called, and several smaller guns. To the north on Pepperworth Hill was another Creusot, and between the two were the Boer batteries upon Lombard Kop.

On November 8, 1899, the 'Long Tom" on the summit of Bulwane opened fire at a range of 7,500 yards from a projecting spur on the western side of the hill, destroying many buildings and occasioning some loss of life. Though not very serious from the military point of view, it succeeded in thoroughly unnerving many of the civilians and induced the Mayor to make a representation to Sir George White for the removal of non-combatants, more especially the women and children, to a place of greater safety. By the end of November Sir George White was compelled to move the hospital to a ravine out of the line of fire, after the Town Hall had received a direct hit.

There were at this time in Ladysmith, besides Europeans, a few Indian settlers. Some of these were traders, while the rest were indentured Indians working on the railways or as servants to Englishmen. One of them was Prabhu Singh, a Sikh from northern India, who had come out to South Africa as an indentured labourer, and was working in the coal mines in Dundee before the war. When Dundee was taken, he with several hundred Indians from the coal mines fell into the hands of the enemy. Driven away from the Boer lines, he arrived in Ladysmith as a refugee where he was first employed to cut grass. He then served as a *Chowkidar* with the 7th Brigade. When the town was under fire he, of his own free will, volun-

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teered to put himself in a position of great danger to save the lives of the white civilians. It took the shell fired from Bulwane hill a minute or two to reach its target. If the besieged got even that short notice they could take cover before the shell dropped on them. Prabhu Singh sat perched up on the top of a high stack, his eyes fixed on the western spur of Bulwane hill all the time that the gun was in action, and waved a flag as soon as he saw the flash.[64] The warning enabled the residents of Ladysmith to take cover, which he himself scorned to do, and to save themselves from the death-dealing projectile.

Present throughout the siege in Ladysmith was Harishankar Joshi, who died in 1970 at the ripe age of 86 in retirement at Limbdi in Gujarat. Later he also participated in Gandhiji's Satyagraha struggle in South Africa. We have his eye-witness testimony, which is corroborated by Col. A.W. Morris, Commandant Ladysmith's, that all through that nerve-racking ordeal not once did Prabhu Singh fail to give the timely signal whenever the gun was fired.

After the relief of Ladysmith Prabhu Singh left the Brigade and was employed in an Indian bakery at Modder Spruit. Captain Walton, 7th Brigade A.S.C. and Captain Austin gave written testimonials commending his services. When the story of his heroism reached England, several London illustrated newspapers published his portrait. Finally it came to the notice of Her Excellency Lady Curzon, who was so pleased that, as a mark of her appreciation of his conduct, she sent an embroidered Kashmir *choga* for presentation to Prabhu Singh, with a letter, dated April 12, 1900, to the Natal Government, asking them to carry out the presentation with all possible publicity.[65]

In accordance with her wish a public meeting was held on October 13, with the consent of the Mayor (Mr. John Nicol), in the Council Chamber. Colonel Morris, the Commandant, being requested to make presentation on behalf of Lady Curzon, took the chair, supported by the Mayor, and B.W. Greenacre M.L.A. Among those present were the Acting Durban Magistrate (Mr. Roch), the Town Clerk (Mr. Cooley), the Town Solicitor (Mr. Garlicke), three staff officers, including Major Bousefield, the late Harry Escombe's son-in-law, Mr. Mason (Protector of Immigrants) and Gandhiji.

The Chairman, in formally making the presentation, remarked that he did not think there could be a braver act than what Prabhu Singh did during the siege of Ladysmith. Here was a man away from his own country, who left his family and came to work in the Colony as an indentured labourer, and volunteered to put himself in a position of great danger so as to save the white men. Gandhiji explained to Prabhu Singh the sense of the Chairman's remarks and also translated to the gathering Prabhu Singh's reply. Prabhu Singh, who was in European clothes, and wore a red turban,

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replying said that he had done nothing extraordinary. What he had done was nothing more than his duty. He had come out to the Colony as an indentured man and his only wish now was to be able to go back to his country and settle there.

Mr. Greenacre, the Chairman of the Dundee Coal Company, in whose employ Prabhu Singh was before the war, expressing the intense gratification of the directors to find that one with whom they had been associated should have acted so nobly and so well, announced amidst applause that so far as they were concerned, they were quite willing, with the consent of the Government, to forgo any further claim they might have upon his services. Prabhu Singh had been an excellent servant and it was the duty of the Europeans to show their appreciation of the services rendered during the war by members of the Empire of other colour than their own. But he felt that was not enough. He would like the gallant man to go back to his country with something more tangible still, and on behalf of the Dundee Company he would be glad to do something which would enable Prabhu Singh to return to his native land, and live for the rest of his life in comfort at home.

Mr. A. E. Hammond of the Railway Department proposed that a subscription should be opend at once and about £ 100 collected to send the man back to India and furnish him with the means of a livelihood there. Col. Morris seconding, the proposal was adopted and the list was started on the spot, with Mr. Hammond as the treasurer.[66]

14

Quantitatively the Indian community's contribution to the British war effort had been insignificant. They had hardly suffered any casualties. But the spontaneity and sincerity of the Indians' desire to help, in spite of the many grievances that they had, was something for which the Europeans were hardly prepared. As more and more reports of the heroism, sacrifice and devotion of the Indian stretcher-bearers came in, the prevailing anti-Indian feeling in the Colony began gradually to give place to one of friendliness and admiration. The *Globe* published a poem, 'Good Samaritans', praising their work.[67] An Englishman in another journal published a poem with the refrain 'We are sons of the Empire after all'. General Buller made honourable mention of the services rendered by the Indian Ambulance Corps in his despatches, in which he referred to Gandhiji as 'Mr. Gandhi, Assistant Superintendent, Indian Ambulance Corps'. As soon as this came to Gandhiji's notice he wrote to the Colonial Secretary, pointing out the technical mistake. "If the credit given is to the Assistant Superintendent as such, it belongs to Mr. Shire, who was the only gentleman in the Corps recognised as such. And if the description of the office is of no consequence

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and if I am entitled to any credit for having done my duty, it is due in a greater measure to Dr. Booth."[68] In reply he was informed that the General had meant it as a "title of courtesy for one who had done so much in this campaign".[69]

Although the war had been declared to be 'the white man's war' and theirs was the biggest stake, it was left to some white planters to object to indentured labourers employed on their estates volunteering for work in the Indian Ambulance Corps. Gilbert Wilkinson, of the Ottawa Estate, in a letter to Gandhiji complained that a number of his 'coolies' had left the estate and joined the Indian Ambulance stretcher-bearers' corps and requested him "kindly to arrange to send them all back to me. After deducting from the pay due to them whatever expense you may have incurred on their behalf, you can devote the balance to some relief-fund ... On my behalf you can assure them that I shall take no action against them for desertion and shall give them free pardon". Similarly, the Natal Government Railway authorities intimated to Gandhiji that one, Sidney Josiah, a timekeeper in the Railway, who had offered himself as a volunteer to work under Gandhiji, could not be spared and should be sent back to his job. The high praise bestowed on the Indians caused heart-burning in a section of the whites. Referring to the *Natal Mercury's* eulogy on the Indian volunteers' offer to serve without pay in any capacity, 'Colonist' wrote to the editor: "Your surmise is quite wrong. The Indians who have gone to the front have done so purely from mercenary motives, and quite two-thirds of them are indentured Indians from various estates. The pay offered was £ 1 per week and rations."[70]

Deprecating such narrow-mindedness, the *Natal Mercury* replied that the fact that the stretcher-bearers were receiving a remuneration did not in the least diminish from the merit of their action. "It is no slur upon the loyalty of volunteers, white or coloured, fighting or non-combatant, that they are in receipt of pay for their service." Most of them were married, and had quitted their occupations for 'a comparatively unlucrative service'. It stood to reason that "Indian loyalty should not be taxed at a higher rate than that of our Volunteers corps, who, most of them, are in receipt of pay".[71]

In February 1900, Mr. Dillon in the House of Commons suggested to the Secretary of State for the Colonies the desirability of offering some remuneration to the large number of Indians in Natal, who had offered their services free of cost. Chamberlain replied amidst shouts of 'hear, hear': "I think that would not be a courteous way of treating their offer to serve without remuneration."[72]

Another Colonist, 'Whist', however, incensed by the *Natal Advertiser's* plea for due recognition of the help rendered by the Indian community, in a scathing reference to 'sugar-estate labourers', who "patriotically threw

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up their 10s per month and enrolled as stretcher-bearers at £ 1 per week and rations", wrote: "The *Advertiser's* shrieks of joy might have been heard at the North Pole." Charging the journal with 'beating about the bush in a dirty, underhand Asiatic fashion', he asked: "Are you or are you not in the pay of Messrs Suleiman Ramasami and Co.? Let us have a plain early manly reply to a plain question." The *Natal Advertiser* published 'Whist's' tirade "as a specimen of the characteristic inability of some people to appreciate any but the lowest of motives".[73]

As the battle rolled northward and the danger to the Colony which at one time was imminent receded, such cantankerous outbursts by the whites became more frequent. Some even begrudged Prabhu Singh Durban's monetary recognition of his bravery, of which they thought too much was being made. The Indian would be returning home, one of them said, with an amount 'on the interest alone of which he could live comfortably in India', while hundreds of English soldiers who had actually exposed themselves to danger would be shipped home, 'minus an arm, leg or eye'. Even the *Natal Advertiser* columnist, while having a dig at those "who as usual pretend to know the exact amount of heroism displayed by Prabhu Singh," and were inclined 'to discount somewhat' Prabhu Singh's risks could not help endorsing the whites' fear that the Indian might "buy an estate and inheritance for his descendants" in Natal, and wound up with the hope that "the report of his (Prabhu Singh's) good luck will not be the means of increasing our immigration list".[74]

On the whole, however, exhibition of such sentiments was condemned by the better class of Europeans as "un-British ... petty and mean, not worthy the importance of the subject, and derogatory to any man who is prepared to enter into life's arena and to fight life's battles".[75]

15

The experience of work under war conditions, and the behaviour of Englishmen under the greatest stress and strain, especially in the face of temporary reverses, left an indelible impression on Gandhiji's mind and greatly enhanced his admiration for the English as a nation. Some of these impressions he sorted out and recorded later. The first was the value and importance of discipline and organisation. The soldierly qualities of punctuality, precision and unfailing obedience he came to regard as the key to success in any undertaking, whether related to peace or war. In fact he considered them to be even more vital to the former than the latter. The second was the unremitting industry of English soldiers, their courage and doggedness under adversity, and the smooth silent co-ordination of the activities of thousands of men in the vast military camps that he had seen. It reminded him of the holy stillness prevailing in a Trappist Monastery that he had

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visited some years ago in South Africa (see *The Early Phase*, p. 544). "Although the energy put forth was the greatest, not a minute was passed idly in those stirring times—there was perfect order, perfect stillness."

He was forcibly struck, too, by the close resemblance that military discipline bears to spiritual discipline outwardly, though their inner nature and working differ vastly. Thirdly, he was deeply impressed by the way human nature shows itself at its best in moments of trial, the way the milk of human-kindness asserts itself in the face of common danger and suffering, transcending all differences. Although the Indian Corps, including the indentured labourers, often came in contact with the members of the temporary Ambulance Corps, composed of Europeans, as well as with the European soldiers, none of them felt that the Europeans treated them with 'contempt or even with discourtesy'. The South African Europeans in the temporary corps had taken part in the anti-Indian agitation before the war. But the knowledge that the Indians, forgetful of their wrongs, were out to help them in the hour of their need had melted their hearts for the time being. As Gandhiji afterwards recalled, "Tommy was then altogether lovable. He mixed with and shared with us his luxuries whenever any were to be had." One particular incident he adverted to again and again:

> We were marching towards Chievely Camp where Lieutenant Roberts ... had received a mortal wound. Our Corps had the honour of carrying the body from the field. It was a sultry day—the day of our march. Everyone was thirsting for water. There was a tiny brook on the way where we could slake our thirst. But who was to drink first? We had proposed to come in after the tommies had finished. But they would not begin first and urged us to do so, and for a while a pleasant competition went on for giving precedence to one another.[76]

His final remarks on his war experiences are worth noting. "There was ... a spirit of brotherhood irrespective of colour or creed. The Red Cross badge on the Khaki uniform was a sufficient passport whether the bearer had a white skin or brown." It made him almost forget the ugly side of war. "As a Hindu, I do not believe in war, but if anything can even partially reconcile me to it, it was the rich experience we gained at the front. It was certainly not the thirst for blood that took thousands of men to the battlefield ... they went to the battlefield because it was their duty. And how many proud, rude, savage spirits has it not broken into gentle creatures of God ?"[77]

It would be a mistake, however, to take the foregoing observations of Gandhiji as a complete statement of his position on the subject of war. They were meant only to highlight such redeeming features of war as in later years he came to regard as an essential part of the moral equivalent of war and therefore worthy of a non-violent soldier's emulation. At the

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time of the Boer War he had not yet discovered a non-violent equivalent of war. He was groping. His participation in this and the two succeeding wars was an essential part of that groping. To look in these reflections for an intimation of the later Gandhi's uncompromising opposition to all war, would be like looking for next year's eggs in this year's nests.

It would also be as well to recognise that Gandhiji's pacifism differed as much from that of the present-day 'peace bodies' that are opposed to war while they have no scruples about the use of violence for the attainment of ends they consider desirable as from that of the pacifist's whose abhorrence of war often overrides his abhorrence of the deep-seated social malady of which war is but a localised aggravated symptom. Gandhiji was not opposed to war so much for the suffering it entails; suffering and death in defence of righteousness willingly undergone he welcomed—but not in the act of inflicting it on others. He could contemplate unmoved 'rivers of innocent blood' flowing. Nor could he as a votary of truth bring himself to deny the virtues that war fosters. Only he refused to accept that war was the best or even a desirable way of cultivating them. His experiments with truth were aimed at discovering a way of developing these virtues without resort to and as a substitute for brute force. With a rare insight he pointed out that even in armed warfare the use of brute force owes its efficacy to its association with these qualities. Deep respect for the soldierly qualities that the fighting man exhibits on the battlefield remained with him all through his life. A soldier of non-violence, he later declared, must cultivate in an even greater degree the qualities of discipline, organisation and industry, resourcefulness and a keen sense of duty, intelligence and faith, and the will and capacity to undergo untold hardships that a soldier-in-arms shows in the execution of his duties. To emulate and excel the fighting man in all these respects became a part and parcel of his striving in his quest for non-violence.

The experience of service in the Ambulance Corps proved highly rewarding not only to Gandhiji personally but to all those who had taken part in it and for the Indian community as a whole.

> The Indian's prestige was enchanced. ... The Indian community became better organised. I got into closer touch with the indentured Indians. There came a greater awakening amongst them, and the feeling that Hindus, Mussalmans, Christians, Tamilians, Gujaratis and Sindhis were all Indian and children of the same motherland took deep root amongst them. Everyone believed that the Indian's grievances were now sure to be redressed. At the moment the white man's attitude seemed to be distinctly changed. The relations formed with the whites during the war were of the sweetest. We had come in contact with thousands of tommies. They were friendly with us and thankful for our being there to serve them.[78]

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A massive memorial, crowning an eminence near Johannesburg, raised partly by public subscription, bears witness to that fine mood, when the British community in South Africa was in desperate straits. The memorial is in the form of an obelisk. On its east side is a marble tablet bearing the inscription in English, Urdu and Hindi:[79]

Sacred to the memory of British Officers,
Warrant Officers, Native N. C. O.'s and
Men, Veterinary Assistants, Nalbands
and Followers of the Indian Army
who died in South Africa 1899-1902.

On the other sides are three tablets bearing respectively these words:

Mussulman
Christian — Zoroastrian
Hindu — Sikh

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CHAPTER XIII

THE LEGACY AND LESSONS OF THE BOER WAR

1

THE RELIEF of Ladysmith following Cronje's surrender marked the turning of the corner for the British in their war against the Boers in South Africa. Stunned by the news of the double defeat, the Afrikaners withdrew to the northern hills in a panic. Roberts and Kitchener pushed on. On March 11, 1900, Lord Salisbury informed the Presidents of the two Republics that the British Government was not prepared to assent to their independence. On May 11, Chamberlain, speaking at Birmingham, followed up this declaration by a definite statement of policy. The Republics were to be annexed; after an intervening period of Crown Colony Government they should be admitted, as soon as it was safe and possible, into the great circle of the self-governing colonies of the Empire.[1]

On March 13, 1900, the British Commander-in-Chief entered Bloemfontein, the Free State capital. Two weeks later, on March 28, Piet Joubert died, and advised by Smuts, Kruger appointed Louis Botha as Joubert's successor. On May 17, British troops broke through the Afrikaner ring and relieved Mafeking after it had been besieged for 217 days. London went wild with enthusiasm. Restaurants gave free meals, publicans refused to take money and public houses went dry, young bloods tore up five pound notes for confetti, stolid, sober financiers tossed handfuls of golden sovereigns into the streets from office windows. Singing, cheering, waving crowds streamed into the streets, surged into theatres and danced on the stage with the chorus, adding a new word to the English language: Maffic—*to rejoice riotously after the manner in which the relief of Mafeking was hailed in London during the Boer War. Mafficked; Mafficking; Mafficks.*[2]

On May 24, the Queen's birthday, the British annexed the Orange Free State by proclamation. Behind the Afrikaner front, Kruger hastened about in his special train, spending long hours in his coach reading the Bible. His presence lent renewed heart to the commandos, but the Afrikaner war machine had broken down. On May 28, Robert's armies were within sight of Johannesburg. Two days later he demanded the town's surrender. At 5.30 on May 30, Krause, the Commandant, announced a truce until 10.00 a.m. next day, and ordered all those who wished to continue fighting for their country to quit the town. but observe the truce while they did so.

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This they did honourably, riding away, walking, taking with them their wagons, their wives and families, and herds of cattle, going off to serve a defeated cause, silently, miserably, bitterly, with the same quiet dignity and pride that had set their ancestors on their great trek from the Cape.

On the same day, May 31, Kruger with Reitz and the rest of the Government made a run for it down the Delagoa Railway to Machadodorp, a village a hundred miles down on the same line, where they set up a new centre of Government in some wagons in a siding. Smuts remained in Pretoria. With his world torn up around him, he thrust all legality, on which his life hitherto had been based, out of his mind, and told the burghers to loot all they could, so as to leave nothing of value to the English, and join Botha. He even gave orders for the destruction of the gold mines at Johannesburg to prevent their falling intact into English hands. The Assistant State Engineer had under his instructions prepared twenty-seven shafts and filled them with dynamite sticks in position. But the Town Commandant of Johannesburg was Judge F. E. T. Krause. He had in the past often disagreed with Smuts and had not forgotten the blame passed on to him for the arrest of Moneypenny. He prevented the sabotage by having Judge Koch with a party of men, whom Smuts had sent from Pretoria to do the wrecking, promptly arrested.

On June 4, the British attacked the capital. While for several hours Smuts's men defended the town, Smuts himself hurriedly despatched the last load of munitions from the fort and accompanied by fifty volunteers and armed police, marched down on one of the banks to demand from the bank officials over half-a-million pounds in gold belonging to the State treasury, lying in their vaults, which Kruger in his hurried departure had left behind. When they refused, questioning the legality of his demand, he, brushing aside their protests, forcibly took and loaded on a special train in the station the cash and the assets, with another £ 25,000 lodged in the name of the Commandant General, which Botha had retrieved similarly, and sent it down to the President—the last train to go out of Pretoria. It provided the Boers with the sinews of war and enabled them to go on fighting for another two years during which, as Smuts afterwards proudly recalled, the British treasury spent over two hundred million pounds sterling on the war.

On June 5, the Union Jack was hoisted in Pretoria.

On September 1, 1900, Lord Roberts published a proclamation which had been issued as early as July 4, annexing the Transvaal to the British Crown. On September 11, Kruger crossed the border and arrived in Portuguese East Africa, whence he left for Europe on a Dutch warship that the Queen of Holland had sent.[3]

The Transvaalers were in a defeatist mood. For a while even Botha felt there was nothing left but to surrender to the British and seek peace. But the Free Staters, headed by Steyn and de Wet, were opposed to it

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uncompromisingly and Botha realised that the spirit of resistance must be kept alive; so long as they did not give up there was hope.

Egged on by Steyn, de Wet organised the shattered remnants of the Republican irreconcilables into guerilla bands and carried the 'fiery cross of revolt' into every district of the Orange Free State and the remotest corners of the Transvaal. His brilliant feats of guerilla fighting, coupled with a series of amazing successes achieved by one of the Boer Commanders, whom Botha had sent to the Free State, boosted up the Afrikaners' morale and killed the germ of submission. Elusive and ubiquitous, appearing and disappearing like a phantom, he passed from commando to commando, bringing them hope, advice and inspiration. In the words of the *Times History of the War in South Africa:*

> His rapid, almost uncanny, successes made him a name to conjure with among his own men and in the British army ... Hunted by almost every British General all over South Africa, he was never caught, and every failure on the British side seemed to almost be condoned if he was supposed to have had a hand in it.[4]

Smuts offered to work on commando. Botha accepted his offer and sent him to de la Rey, under whom he soon learnt to emulate his will-o'-the-wisp tactics, with feats hitherto unprecedented in guerilla warfare. Commandos of first-rate horsemen, mounted on fast ponies, knowing all the by-ways, rode over the veldt by night, hiding by day in barns and outhouses. Given food and drink by defiant Boer homesteads, they made surprise attacks on the slow moving English columns, mostly confined to the well-marked roads, inflicted mortifying reverses on them and vanished in the night, taking guns and prisoners with them. The British lost heavily.

With the English holding all the ground and English armies everywhere, all this, the British thought, could not affect the main issue. One or two encounters with Botha's few thousand followers, and the Boers would sue for peace. At the end of November 1900, Lord Roberts returned home to receive an Earldom from the Queen, the Order of the Black Eagle from the German Kaiser, and one hundred thousand pounds from the British Parliament. The war was over, he declared, apart from the regular mopping up, and on November 29, Lord Kitchener was appointed Commander-in-Chief in his place.

But here British opinion had erred. It had not taken into account the patriotic stubbornness of the Boer character rooted in a century of unbroken Voortrekker tradition of struggle for the preservation of the Boer way of life. The war continued.

Gandhiji followed these developments from afar. For a while Herbert Kitchin kept sending him graphic descriptions of his experiences from the areas that had been cleared of the Boers. A volunteer in the Engineers'

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Corps, in the last week of April 1900, he was detailed with a party of eight Indians, a corporal and a sapper, to take down a portion of the Boer telegraph line round Ladysmith.

> (Our company) passed three of the Boer laagers. All of them are filthy, and are noticeable for the number of trunks left behind, the quantity of cartridges scattered about, and the number of bottles and English biscuit tins. We could have picked up a couple of sackful of cartridges. A party of our men taking down the Boer line from Spion-Kop brought in 20,000. They also dropped across a party of Boers who put a shell in the midst of them. Luckily no one was hurt. I came across a stray horse, which I suppose was left behind by the Boers, but it was too wild, and I could not catch it. Had I been able to, I could have sold it for a decent sum. As we were coming back, we heard the sound of big guns at Sunday's River. At Modder Spruit we were stopped by a picket. We had to wait 24 hours before we were allowed to go on, and even then we were told we went at our own risk. We learned after (wards) that the camp at Sunday's River had been shelled. Our own little camp was in a direct line with a camp that was struck several times. After the second shot they struck tents and everyone took cover among some big rocks. None of our fellows were hurt.[5]

A little later, we find him asking Gandhiji to engage 'three English-speaking Indians' at a pay of £ 30 a month for the Army Telegraphs to take the place of three who wished to leave. "If good men I would recommend for an increase."[6] Presently he had plenty of leisure on hand. "The last three afternoons I have been making cakes and toffee. That is warlike work eh! The iron cooking pots made capital ovens, with a little fire on the lid as well as underneath."[7]

Gradually even these distant echoes became less frequent till they ceased altogether and household cares and duties of civil life absorbed Gandhiji completely. But for the time being the prime question that relegated practically everything else into the background was that of the war on the conduct of which depended not only the immediate future of the Colony but also the nature of the peace to follow.

2

Boer armies had been beaten, their principal cities captured. According to rules of ordinary warfare any 'civilised' opponent would have considered himself beaten and capitulated. Yet the Boers refused either to admit defeat or to capitulate. Hitherto the war on both sides had been carried on more or less according to the rules of 'civilised' warfare. On all accounts in the early phases of the fighting treatment of the prisoners of war who fell into Boer hands had left nothing to be desired and this had been freely

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acknowledged on the British side.[8] Boer and British Generals frequently allowed truces so that the wounded could be cared for. Friendliness between occupying troops and Boer inhabitants was common, and Boer women took pity on hungry and thirsty British soldiers; and concealed Boer marksmen were known to refrain from firing on unsuspecting Tommies because it would have been 'sheer murder'.[9] But now under the pressure of guerilla warfare, that code began to crumble and the British Generals began openly to resort to methods foreshadowing the era of 'total warfare' and 'scorched earth' policy of the two World Wars.[10]

With a view to crushing the Boer resistance Kitchener started indiscriminate farm-burning, wholesale devastation of property, and a general denudation of the land. Cattle and sheep were captured by tens of thousand, grain past computation was seized and destroyed; standing crops were burnt; mills and farm buildings were gutted. The notorious Ventresberg proclamation in which, after the town had been cleared of the supplies, partly burnt and the farms in the vicinity destroyed, it was announced that "the Boer women and children should apply to the Boer Commandant for food, who will supply them unless they wish to see them starve".[11] Whatever the motive or the justification, the result of all this was that thousands of women and children were driven shelterless into the veldt.[12]

Later Kitchener began steadily to clear up methodically and ruthlessly by cutting up the country into sections with barbed wire fencing, and controlling it by erecting chains of block houses and fortifications. Men, women and children were evacuated from areas affected by guerilla warfare The men were sent to St. Helena, Ceylon, Bermuda and elsewhere to be interned in war prisoners' camps. Their number in camps of every nature in January 1901, stood at 1,219,650. Women and children were put behind barbed wire in improvised concentration camps, where close on thirty thousand died of exposure, malnutrition and epidemics, accentuated by lack of the minimum medical facilities. Thousands of children died of measles alone.

It was again a case of the shadow of the British rule in India lengthening over South Africa (see *The Early Phase*, p. 63). Burning of homesteads, destruction of standing crops and razing to the ground of entire villages by British forces had been the routine practice during punitive expeditions against the unruly independence-loving Pathan tribes on India's North-Western Frontier. So far these 'burn and scuttle affairs', as Sir Michael O'Dwyer, later the Lieutenant Governor of the Punjab, called them, had been confined to the East of Suez, 'where there aint no ten commandments'. Now for the first time they were employed by Lord Roberts and his Generals from India in what was to be a 'white man's war'.

Resort to these methods raised a wave of indignation in England. Lloyd George declared that except in the simple case of proved treachery on the

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part of the owner, farm-burning was 'an atrocity and abomination'.[13] In December 1900 Miss Emily Hobhouse, niece of Lord Hobhouse, set out to South Africa, as delegate of the Distress Fund for South African women and children, to investigate conditions in the concentration camps, where the death rate was approaching the peak of 343 per thousand and over 20,000 deaths had already occurred. Against Lord Milner's wishes, she visited the camps, moved among the Boer women all alone and encouraged and exhorted them to stand firm. Shocked by what she saw in the camps she, like her compatriot W.T. Stead, denounced the war as unrighteous and openly prayed for the defeat of British arms. At the end of May she returned to England,[14] to fight the battle of the Boer women and children. The same steamer which brought her brought Milner also.

A wonderful fighter and a tireless organiser, Emily Hobhouse was "an aristocrat who knew her way around the great world and dealt as an equal with the political leaders of the nation".[15] Henry Campbell-Bannerman was so affected by her report that, as the principal guest at a dinner given by the National Reform Union at Holborn Restaurant, on June 14, 1901 he delivered his famous speech about 'methods of barbarism'. "What," he asked, "was this policy of unconditional surrender? It was that, now that we had got the men we had been fighting against down, we should punish them as severely as possible, devastate their country, burn their homes, break up their very instruments of agriculture and destroy the machinery by which food was produced ... A phrase often used was that 'war is war', but when one came to ask about it, one was told that no war was going on, that it was not war. When was a war not a war ? When it was carried on by methods of barbarism on South Africa."[16] W.T. Stead braved popular wrath by publishing reports of the raping of Boer women by British soldiers. "It is absolutely impossible", Stead stated in his pamphlet, *Methods of Barbarism*, "to attempt any comparative or quantitative estimate of the number of women who have suffered wrongs at the hands of our troops." Rumour said that "the women were dragged from lonely farmhouses and transported to concentration camps to facilitate the ease of British troops, raped and ravished time and again by the bestial British who used the camps as brothels". They were "starved, treated with fiendish cruelty and ... children ... allowed to die of diseases without any attempt at medical care".[17] In his influential *Review of Reviews* he thundered: "Night and day, the whole hellish panorama is unrolled in South Africa, and we know that before sunset, British troops ... will be steadily adding more items of horror to the ghastly toll." Nearly 900 German clergymen signed a petition against "British atrocities and the soldiers' ravishing of defenceless women".

The Army took its revenge. In October next when Emily Hobhouse returned to Cape Town they forcibly put her on board a ship and deported her to England. But she gained her point. Next month the management of

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the camps was taken over by the Colonial Office, and early in 1902 Parliament appointed a commission of ladies under Mrs. Fawcett, to investigate the conditions in the camps. As a result of the reforms initiated by them the death rate fell rapidly.

Eight years later General Botha, then on a visit to England as the first Prime Minister of the Union of South Africa, talking of past events said to J. A. Spender, "After all, three words made peace and union in South Africa : 'Methods of barbarism' ".[18] It was in no small measure the courageous fight that Emily Hobhouse put up on behalf of the Boer women and children, says one of Campbell-Bannerman's biographers, that made the final reconciliation between Boer and Briton possible.

After the war Emily Hobhouse befriended Smuts, when he went into political wilderness, a despairing embittered man, unsure of his or his country's future, and became a pillar of strength to him. Later she befriended Gandhiji and pleaded with Botha on behalf of the Indians in South Africa as she had pleaded with Campbell-Bannerman on behalf of the Boers. More, she made herself a living symbol of the gospel of the brotherhood of man and blazed the trail for a long succession of large-hearted Englishmen and Englishwomen who, transcending parochial considerations of race and country, went forth as ambassadors of goodwill and peace between the good that was England and the good that was India during India's non-violent struggle for freedom under Gandhiji's leadership. She kept up correspondence with Gandhiji right till her death in 1926, leaving him to mourn her in a moving obituary.

3

Heartily sick of the whole affair, Kitchener wanted to get away. In the teeth of Milner's disapproval, he offered to meet Botha at Middleburg in February 1901, to discuss peace terms. He took his Chief of Staff, General French. Botha took Smuts. But the talks came to nothing. Botha was not prepared to give up the independence of his people, and 'unconditional surrender' was a *sine qua non* on the British side. The conference broke up. The English continued to clear up ruthlessly. As the English steadily closed in, Botha and Smuts with de Wet and many others got together to take stock of the situation. The Germans had with one hand made a definite agreement with Kruger to help him against England, but they had come to terms with the English with the other and sold the Transvaal to them in return for a free hand in Samoa and some other places (see Chapter X, p. 217). The Boer leaders realised that they had none but themselves to rely on but, urged by Kruger, doggedly, dourly, and with unbreakable persistency they voted for war against all odds—war without surrender, war to the bitter finish.

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The only hope lay in raising a rebellion in the Cape where they had large numbers of Boer sympathisers. If commandos could raid deep down into the Cape, where no raiders had as yet penetrated, the whole might rise, and they might yet beat the English. Smuts was entrusted with the venture. It appealed to him greatly. Thrusting into his saddle bags nothing more than Kant's 'Critique of Pure Reason' and a Greek New Testament, he set out on his adventure. Reaching the Orange River at the beginning of September 1901, after many hair-breadth escapes he crossed into Cape Colony. His own picture and that of some of his men had been printed and broadcast. There were spies everywhere. Often starving, through torrents of driving, soaking rain and biting winds that chilled them to the bone, he and his men drove on. Whenever it was safe they lay down in the slush side by side, sharing their sodden blankets and deriving warmth from one another.

Their clothes became rags Their boots fell to pieces. They had no medicines and no bandages. They became querulous and sullen and even spoke against Smuts but quailed before his steel grey eyes. Utterly and impersonally ruthless, reserved, and uncommunicative, outdoing them all in physical endurance, daring and resourceful, he drove them on by his indomitable relentless will. Once poisoned by some wild vegetation they had eaten, he and half of his men lay groaning and retching on the ground with an English column hard on their track. The rest tied the sick men, including Smuts, who begged to be left alone, across their horses like sacks of corn and drove the horses on. The shaking of the horses forced the sick men to vomit up the poison, so that they were once again able to stagger along and get to safety.

On another occasion, going out with a party of three to reconnoitre at about sunset, Smuts ran into an English picket. His horse was shot under him. One member of his party was killed. Others severely wounded were in the hands of the enemy. At nightfall, a lonely figure emerged out of the shadows of a little kloof. It was Smuts: "One Boer escaped" ran the British official account, "but he probably had so many bullets in him that he would be no further danger."[19]

The areas in the Cape were immense. Everywhere the commandos had relations and friends. Cornered, they put away their rifles and behind civilian clothes became indistinguishable from non-combatants. It was as difficult to locate and hold them, it was said, "as to catch quicksilver in a stream running over a gravel bottom".[20] Penetrating as far South as to be within sight of Port Elizabeth, Smuts was on one occasion within an ace capturing French himself, when he ambushed a train at night by which the English General was coming in pursuit of his own little commando. His men could easily have derailed the train but Smuts forbade it, thinking it might contain women and children. Early in January 1902, he decided to scatter his

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commandos throughout the Cape Colony. This would force the British to put into field many more men and much more equipment, enhance the Boer prestige and badly shake British confidence in the war party. Foiled in his attempt to blow up O'Keip, with its valuable tin mines in the Namaqualand, he had just captured a fortress and had planned a surprise raid to strike at Cape Town itself, when the war suddenly came to an end and he received a message inviting him to attend a conference with the other Dutch leaders at Vereeniging to discuss final terms of peace.

This was the man, hard, ruthless and inflexible as cold grey steel, who scorned death and did not know what defeat was, with whom the Indian community had to reckon in its final struggle for survival. He had publicly declared he would never yield.

4

On a cold, misty, cheerless morning on May 15, 1902, sixty burgher delegates, thirty from the Transvaal and thirty from Orange Free State with Smuts as legal adviser to Botha, met in a national convention at Vereeniging on the Vaal to discuss the terms of peace. The Transvaal, it soon transpired, had decided to surrender at any price. Free Staters were for 'a war to the bitter end.'

Milner was for unconditional surrender. To him every other consideration was subordinate to the necessity of founding the two colonies immovably on the bed-rock of British supremacy. The contrary view held by many thoughtful Englishmen, amongst whom Lord Rosebery was one, was in favour of peace by mutual agreement and settlement on terms agreed to by the Boer leaders. They were no less emphatic than Milner about the necessity of maintaining British supremacy. But they feared the delayed consequences of a settlement based on sheer unqualified force, and they considered it to be of vital importance that the Boer nation, while it was still an organised body, should explicitly, and through its leaders accept incorporation in the British Empire. This latter view Kitchener largely shared.[21] Anxious to get out of South Africa as soon as possible, with a clear-cut peace which would release him for his coveted command in India, he wanted peace almost at any cost, rather than allow the war to gutter out to a sordid end for the sake of a political settlement with which he had no concern.

The Boer leaders were not slow to take advantage of the conflict of views between the two Englishmen and Smuts cleverly played up to Kitchener and against Milner in the negotiations that followed. More than once, when a difficulty arose, Kitchener did not support Milner till Milner said he felt "as if he was negotiating not with the enemy but with Kitchener".[22]

Botha and Smuts pleaded with their men for moderation. "Terms might

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be secured now," said Botha, "terms which would save the language, customs and ideals of the people." The fatal thing would be to secure no terms at all and yet be forced to surrender. "We are slipping back. We must save the nation by a permanent peace under which both Boer and British would be able to dwell here side by side."[23] But the Free Staters almost to a man declared their independence sacrosanct. The entire war, said de Wet, was to him 'an act of faith'. He called upon the burghers 'to renew their covenant with God'.[24]

On the second day Reitz brought forth a proposal for peace on the basis of surrender of independence in foreign relations, retention of self-government under British supervision, and cession of territory of the gold fields. A Commission consisting of Botha, de Wet, Hertzog and Smuts was appointed to negotiate with Kitchener and Milner in Pretoria on the basis of a draft prepared by Smuts and Hertzog, the two lawyers, failing which they would have a free hand to get the best terms they could.[25]

At Pretoria Milner demanded complete surrender. Smuts suggested a general agreement leaving details to be thrashed out later. Kitchener was sympathetic. But Milner was adamant. Kitchener grew irritated. He resented Milner taking part in the negotiations. As one responsible for bringing the war to a successful conclusion, he felt, he should be able to settle the terms of peace without interference by the pro-consul. "Leave Lord Milner out of this job," he said to Botha. "You and I can manage it satisfactorily." Milner refused to be left out. If a bad peace was to be, it must be made over his political corpse, he said. "If Lord Kitchener is going to make the bed. let him lie in it and not me."[26]

Late one night the conference came to a deadlock with de Wet uncompromising as ever, Kitchener unable to conclude peace without Milner's agreement, Smuts at his wits' end. Then somebody tapped Smuts on the shoulder.

It was Kitchener. "Come out, come out for a little," he whispered. Walking up and down side by side with Smuts in the dark outside, Kitchener said, "Look here, Smuts, there is something on my mind that I want to tell you. I can only give it to you as my opinion, but my opinion is that in two years' time a Liberal Government will be in power and if a Liberal Government comes into power, it will grant you a constitution for South Africa."[27]

"If one could be sure of the likes of that, it would make a great difference." replied Smuts.

"As I say," repeated Kitchener, "it is only my opinion, but honestly I do believe that that will happen."

Kitchener's words stirred up in Smuts the dream of a united South Africa that had always filled his soul. To the Reverend Mr. Kestell, Chaplain to Steyn and de Wet. Smuts afterwards said at Vereeniging: "The idea

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of the imperium grips me. It is something wonderful."[28]

On May 19, 1902, Milner produced a document which affirmed the surrender of the Boers. To this a schedule was to be added, varying the terms offered at Middleburg earlier. A committee consisting of Milner and Sir Richard Solomon (his Attorney-General in Cape), Hertzog and Smuts was appointed to draft the schedule.

A hot discussion sprang up when the draft was presented to the Commissioners. A deadlock was averted only by a suggestion thrown out by Kitchener that a sub-committee might be appointed to discuss the details of the schedule before the delegates considered whether they should accept the document itself. The direct issue of absolute surrender was side-tracked for the moment. The document that emerged as a product of the labours of the committee was in the form not of a declaration of submission but of a bilateral contract or treaty. More important still, the Boer signatories were described in the preamble, as acting on behalf of the Governments of South African Republic and of the Orange Free State respectively. This virtually rendered nugatory the "annexations" of the two Republics. The demand for the Republics formally abdicating their sovereignty was waived.

On May 27, the Boer Commission took back with them the document for presentation to the National Convention for a direct acceptance or rejection by the evening of Saturday, May 31. The document was to be accepted or rejected as a whole, it was explained. No amendment of the terms would be admissible. By some delegates it was accepted without enthusiasm; others denounced it with scorn. Steyn, by now a very sick man, with his sight almost gone, denounced outright the members of the Commission and the proposals they had brought with them because they had given away the independence of the two Dutch Republics. He then resigned and left the Conference. For two days the debate went on. de la Rey spoke for peace. Hertzog also spoke for peace but with reservations. de Wet stood out for war. Feelings ran high. Hertzog rushed into Steyn's tent when a serious altercation broke out between de Wet and Botha and begged him immediately to intervene, or 'anything might happen'. Steyn sent for the old guerilla to his tent and pacified him. de Wet also then spoke for peace.

The time limit set by Kitchener and Milner for a 'Yes' or 'No' answer to their terms expired on Saturday evening. But on Saturday morning the Boers had failed as yet to come to an agreement. Botha and Smuts urged peace for the sake of national existence. "No other nation," Botha said, "could have fought as we have! But shall the nation die? No! We will save it by wise counsel!"[29]

The delegates wanted to hear Smuts. He had not yet spoken, not being an elected delegate. The war had transformed him. He was no longer 'the lanky, cadaverous, white-faced barrister' of the days before the war, but a man used to leadership and to taking decisions. He spoke with a burning

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conviction which he was determined to impress upon one and all. "I am one of those who provoked this war," he said, "I accept the responsibility and it gives me the right to speak. As soldiers none of you are afraid. As a military force you are unconquered ... But here today you represent not the commandos only but the nation as a whole ... The nation calls out ... From the prison, from the camps. the graves, the veldt, from the womb of the future the nation cries out to us to make a wise decision ... We fought for independence, but we must not sacrifice the nation on the altar of independence." He spoke of the twenty-three thousand women and children who had died in the concentration camps; the English methods of devastation which would soon turn all into a desert; the duty they owed to those who were from the Cape, and had joined them and must suffer as rebels, but whom the promise of amnesty in the treaty before them would protect. It was for these that they must sign peace. "Death itself would be sweet compared to the step we are about to take. Let us bow before the will of God ... No one shall ever convince me that this unparalleled sacrifice which the African nation has laid upon the altar of freedom will be in vain. It has been a war for freedom ... Its results we leave in God's hand. Perhaps it is His will to lead our nation through defeat, through abasement, yea, and even through the Valley of the Shadow of Death, to the glory of a nobler future, to the light of a brighter day."[30]

There were two proposals before them—one from the Free Staters calling for rejection of the British terms, the other by General Smuts of the Transvaal urging that they be agreed to without delay. After a few speeches an adjournment was proposed till de Wet at a meeting held in his own tent had persuaded all but a few irreconcilables to follow his example. In the afternoon a motion, recommending acceptance of the terms was put to vote. "I saw the lips quiver of men who had never trembled before a foe, I saw tears brimming," wrote Reverend Mr. Kestell, "in the eyes that had been dry when they had seen their dearest laid in the grave ... The men agreed to remain united."[31] Vote being taken on a final draft prepared by Smuts, the count was : for—fifty-four; against—six, three Transvaalers and three Free Staters. "Here we stand at the grave of the two Republics," said Schalk Burger, Vice President of the Transvaal. "Let us not draw our hands back from the work which it is our duty to accomplish. Let us ask God to guide us, and to show us how we shall be enabled to keep our nation together. We must be ready to forgive and to forget whenever we meet our brethren. That part of the nation which has proved unfaithful we must not reject." The reference was to the National Scouts, Boers who had fought on the British side.

The last meeting of the two Republics was then ended with a prayer. At eleven o'clock that night, May 31, 1902, an hour before the ultimatum expired, a treaty of peace was signed in Kitchener's house at Pretoria.

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"Weather-beaten veterans in ragged clothes wept openly as they signed and were not ashamed of their tears."

"We are good friends," said Kitchener, as he shook hands with Botha. Silently the Boer delegates left for their homes, having looked upon the wreckage of their proudest heritage.

5

It had been arranged with Kitchener that each commando leader would tell his own men, explain the conditions and then in his presence each man should hand over his arms to an English officer and sign a declaration of submission. Many of the commando leaders had been elected as representatives under the strict mandate that they were to vote only for independence. Even Smuts shrank from going back to his comrades to tell the truth. Botha could with difficulty control his intense tearing emotion and maintain a calm outwardly to persuade the others to an action which appeared to him to be a necessity but against which his whole being rebelled. de Wet refused to go on with it. He spoke to his men the bitter truth and then left, unable to bear the pain of watching them submit.

Many of the men were incredulous. When they knew the truth, some broke their rifles and flung the pieces down in front of the English officers, others refused to submit and preferred to be deported away out of South Africa. Those who submitted showed that they had been crushed into subjection by sheer brute force, but that their spirit was unbroken, their thinking unchanged. Back to their burnt farms the men went. They found their cattle and horses gone, the country denuded and cut up with lines of barbed wire, houses fallen down. Bitterly angry against those who had fought for the English, angry with the Cape Dutch who had not stood by them, distraught by grief at the loss of twenty-three thousand of their women and children who had died in concentration camps of exposure, want and disease, they blamed their leaders for having surrendered at all—called Smuts a traitor and Botha a renegade who had betrayed and let them down.

Following the surrenders, Lord Kitchener resigned the South African Command into the hands of General Lyttelton on June 20, 1902 and left Pretoria to spend a few months of well-earned rest in England before taking up the command which had been waiting for him in India. He received a Viscountcy and a grant of £25,000 in recognition of his services in concluding the war.

Within three weeks of the peace Milner got rid of the military Government and made himself the ruler and almost autocratic ruler of all South Africa, holding in his hands the entire power for which Kruger and Rhodes had contended. On June 21, 1902, the new Crown Colony Government of the Transvaal was formally inaugurated by the swearing-in of the Gover-

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nor—now Viscount Milner—and his Executive Council. On the 25th the same ceremony took place in Bloemfontein.

In less than six weeks of the signing of the treaty of Vereeniging, Lord Salisbury, who had long been ailing, died and on July 12, 1902, Lord Balfour was appointed Prime Minister of England in his place. This did not affect Chamberlain politically. He continued as Secretary of State for the Colonies, though with nothing like the power he had enjoyed under his old chief.

* * *

The giants had quitted the stage. The country lay bleeding and exhausted from the ravages of war. Like a flock of sheep without a shepherd the people were bewildered with nothing to look forward to. A fierce resentment burnt inside Smuts—resentment against the English but particularly against Milner and his officials, who now ruled his country. The sense of his helplessness, and of utter defeat ate into him. His wife was even more resentful than he. She hated the English. No word of English might be spoken in her house, and when the time came for her to have a child, she saw to it that an old Republican flag was unfurled over her bed to keep off from the newcomer the evil shadow of the English flag that flew over Pretoria. Between them they kept each other's resentment alive. Driven to a blind fury by Milner's hauteur, Smuts settled down to his legal practice with the old grim concentration. But it provided him poor satisfaction; he wanted power. Working late in his office in the town he often returned home in the dark. A friend found him nervous. Strange that this man who had been in a hundred tight corners in the war without flinching and had exposed himself recklessly to every conceivable danger, was afraid that 'one night he would be murdered on his way home".[32] Of his old colleagues, Reitz had refused to submit to the English, and had been deported with his family. Piet Grobler was with Kruger. The ex-President himelf was a dying man. Botha, de La Rey and de Wet had been commissioned by the Dutch delegates at the Conference at Vereeniging to go to Europe on a deputation to contact their sympathisers and collect funds for the relief of Boer widows and orphans.

These were the men and this was their mood with which the Indians in South Africa and the representatives of the British Government on their behalf would have to contend when the Boers would again be masters in their own house and become arbiters of the destiny of the British Indian subjects in South Africa.

6

The document which closed the Anglo-Boer war is known as 'the Treaty of Vereeniging', but it was signed at Pretoria. Milner called its terms 'terms

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of surrender', Kitchener called them 'terms of peace', Botha called them 'a Treaty'. Officially it was given no title. To please Botha the British later began to call it 'Treaty of Vereeniging'.

The terms of this treaty demanded the surrender of their arms and acknowledgement of King Edward VII as their lawful sovereign by the burgher forces. It stipulated the release of all prisoners of war and together with all fighting burghers, their return and reunion with their families as soon as the transport arrangements permitted. It promised to all those who had taken part in the hostilities amnesty for all deeds of war; no special tax on land and property would be levied to meet the expense of the war; the nationals of the two former Republics would have the right to carry arms under a permit; Dutch language would be taught in the public schools *if the parents of the children demanded it*, and admitted in the courts of justice *in the interests of better administration of justice;* the military administration in the Transvaal and the Orange River Colony would be followed by civil government and as soon as the circumstances permitted it, a representative system tending towards autonomy would be introduced. Finally, in each district of the Transvaal and the Orange River Colony a Commission would be appointed in which the inhabitants of that district would be represented under the chairmanship of the magistrate or other officials to facilitate settlement and rehabilitation of the people affected by the war. For this purpose the British Government would make an outright free gift of 3 million pounds to be disbursed by the Commission; all receipts given on the veldt by the officers of the late Republics would on presentation be accepted by the Commission, and in addition the Commission would be granted a further 3 million pounds as advance, in the shape of loans for the same purpose, free from interest for two years and afterwards repayable with three per cent interest over a number of years.

A vital departure from the Middelburg proposals of March 1900, apart from the form of the treaty, that Smuts and Hertzog were able to secure and get incorporated in the final terms, was in respect of the question of the Native franchise in the former Republics. In the original draft the British Government had maintained its stand on the political rights of the coloured people in terms of Article XIV of the London Convention. At Vereeniging it virtually capitulated to the Boers on this point. And since Indians along with the 'Natives' were classed by the Kruger Government as *kleurlingen.* it sowed the seeds of future trouble for them also.

The war cost the Afrikaners 4,000 men killed, 20,000 wounded, the women and children who died of epidemics in camps, and all their capital. To the British the cost amounted to 5,774 killed, 22,829 wounded, 16,168 of those who died of epidemics and bombardments in the besieged towns, and £ 250,000,000.[33] One item of British expenditure was financing the country

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from the time that Pretoria fell.

This was the legacy bequeathed by the Boer War to the victor, the vanquished and the British Indian subjects in South Africa.

7

Two years after the signing of the treaty of Vereeniging Kruger died in exile at the age of 80, a broken man, apathetic even at the thought of death since he had received the news of the death in British Pretoria of his wife, to meet whom he had once as a youth swum across a swollen river at the risk of his life. The last of the old world Puritans, who had so desperately wanted to believe that the earth was flat, to the end he proclaimed that the troubles of his country were due not to anything wrong in its stand on the issue of racial equality but to "some departure on the part of his fellow burghers from the stricter tenets of the Dopper sect",[34] the most puritanical branch of the Dutch Reformed Church to which he belonged.

'Doppers', he has explained in his Memoirs, derives from the Dutch word *dop*, meaning damper or extinguisher that puts out candles, so that the Doppers 'extinguish all new thoughts and are opposed to all progress'.[35] True to his fundamentalist faith, he sincerely believed that not only the Transvaal but the whole of South Africa was his people's birthright,[36] their heritage in the days before the great Trek, and that it was his destiny to lead them into the Promised Land. But when his Lord decreed defeat for his country and exile for himself, he blamed not Him, but himself. In one of his last speeches before the Volksraad he said :

> Let none point with his finger to the other, but be upright; let each place his hand in his own breast and he will find that it comes out leprous ... I place myself in the hands of the Lord. Whatever He may have decided for me, I shall kiss the rod with which he strikes me, for I, too, am guilty.[37]

"If," wrote Gandhiji in an obituary on the President later, "passionate sincerity and dedication to a single purpose be the test of greatness he must be accorded a place among the great ones of the world." The Indians had no particular reason to feel grateful to him, smarting as they were under his legislation but, said Gandhiji, that should not prevent them from recognising his great qualities or from joining those who were sorrowing for the death of the great man. He commended to his compatriots in South Africa six traits of Kruger's character for emulation. The first was his "unexampled devotion to and intense love for those whom he was proud to call his people", the second was his 'sublime' faith in the teaching of the Old Testament, the third his unshakable belief that whatever God did was for the best. "Indeed, even after the issue was finally decided, during the short

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period that he was on this earth he ... still continued, as many Boers do, to believe that good for them will yet come out of the British annexation. And so it undoubtedly will, not perhaps in the manner they would wish, but then God's ways are not our ways and the future will shew what the destiny of the nation is to be."[38]

Strongly deprecating the suggestion that the flight of the late President was due to cowardice, Gandhiji maintained that on the contrary it betokened courage of a high order on his part. Indifferent alike to the world's praise or blame, he had continued to act steadfastly according to his lights. "He considered that he could best serve his countrymen by remaining away and managing affairs from a distance and he went." This, according to Gandhiji, was the late President's fourth great trait. It betrayed poor judgment to think that a man who could amputate his own damaged thumb and go about his business as if nothing had happened, as Paul Kruger had once done in his youth, would be the man to fly from a post of danger. "His demeanour, too, on the continent, was worthy of a great and godly man. He showed no undue irritation, resigned himself to the inevitable, and ever continued to guide his people by his advice."[39] This was his fifth great trait. The sixth was his 'single-minded, though at times misguided' patriotism. "One of the most striking personalities of the nineteenth century has passed away, leaving the world the poorer for it ... And we venture to think that it will be as a staunch patriot that he will be best known to posterity."[40]

8

The Boer War rendered obsolete many a long cherished notion about military strategy as well as political warfare and inaugurated new trends that have since come to be increasingly recognised. The attempt during the middle ages in Europe to 'humanise' war by evolving a code of chivalry received a severe setback and the time-honoured distinction between the civilian and the soldier was obliterated. Hitherto it had been presumed that once their regular armies had been defeated on the battlefield and their principal cities taken, there was nothing left for a people but to acknowledge defeat and submit. The Boer War showed that popular resistance could be taken up and the gains of military victory rendered nugatory, if the people had not lost the will to resist. Unconditional surrender by the foe had so far been regarded as the hallmark of total victory. In the Boer War insistence on unconditional surrender became an obstacle in the attainment of the goal for which the war was fought. The two Boer Republics were annexed, but the Boer leaders declined to cooperate with the victors. We shall see how, by continuing their struggle on the moral plane rather than do the victors' will after military resistance had failed, they more than retrieved what they had lost on the battlefield. The British, on the other hand, to achieve final settle-

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ment, had to reverse what their military victoy was designed to compass—political extinction of the Boer Republics. The notion that physical violence can be successfully employed to either change the enemy's thinking or impose one's own will upon him was completely discredited. Equally baseless was proved the assumption that success on the battlefield can pay political and economic dividends to the victor. The price of victory would hereafter, it was seen, inevitably include sacrifices needed to restore the economy of the vanquished.

The lessons burnt in upon Gandhiji's mind by the Boer War coloured all his subsequent thinking. He had seen how the English make war, how they conduct war, how they conclude war, and how they treat the defeated foe after the war. Historically, observes Dibelius, the Anglo-Saxons appear as 'rude, ruthless and cruel conquerors'. The chivalrous English gentleman "imposes his will, if necessary, with pitiless sternness, but then spares the defeated. Precisely so does the British nation force his enemy to his knees, using every resource of cruelty and intrigue, ... and then, provided only the said enemy has become quite harmless, offer a hand and spare neither generous recognition, nor self-sacrificing assistance."[41] His conclusion is that the English, more than any other nation, have mastered the art of transforming the defeated antagonists into privileged colleagues. "Do not pick a quarrel with the English," Gandhiji often used to say afterwards, "but if you have to, then, give them fight with all your strength. They despise an opponent who proves himself weak, but they respect him if he shows his mettle even in defeat."

Time and again in later years Gandhiji pointed to the conduct of the Boers during and after the war as providing a vindication of the law of suffering and the potency of the weapon of non-cooperation.[42] The Boers were bound to succumb before the overwhelming forces against them. By suffering, as they did, they earned the respect of their opponents and secured a settlement which kept them as the predominant factor in South Africa.[43] Even in physical warfare, he declared, it is not the capacity to inflict suffering but demonstration of one's capacity to suffer that constitutes the true measure of heroism and ultimately counts. The Boers had 'staggered humanity' by their sacrifice as Kruger had declared that they would. No less would be demanded of Indians, nay more. It was up to mankind to learn from the mistakes of its predecessors and do better. And the way to do better was "to avoid ... violence from our side and thus quicken the rate of progress. ... Progress is to be measured by the amount of suffering undergone by the sufferer. The purer the suffering, the greater is the progress."[44]

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Part Four

BENEFITS FORGOT

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CHAPTER XIV

STONES FOR BREAD

1

IT FELT fine to be back home with one's family after nearly nine weeks of strenuous field life amidst the din and smoke of battle. Hopes of an early peace had receded into the background with the failure of the Middleburg talks. Another call to action for which Gandhiji and his men had been holding themselves in readiness never came. The subsequent course of the guerilla warfare and its ultimate sequel were yet hidden in the womb of time. During his absence the domestic arrangements in Beach Grove Villa had fallen somewhat into disarray. They needed attention. His wife was again expecting a child. She needed to be relieved of having to look after the four children. He had to find a competent Indian midwife to attend her at the time delivery, and a nurse for the aftercare of the mother and the new arrival. Besides, he had to resume the threads of his legal and political work. It made his life more strenuous than ever.

Four days after the Mafeking Day, on May 21, 1900, Gandhiji's fourth and last son, Devadas, was born.[1] In anticipation of an emergency Gandhiji had assiduously prepared himself for it. And it was as well. "The travail came suddenly. The doctor was not immediately available and some time was lost in fetching the midwife." Helped by his careful study of Tribhuvan Das's book, *Advice to a Mother*, however, he was able to see the delivery safely through. "I was not nervous," he says in his Autobiography.

Gandhiji's comrades in the Indian Ambulance Corps, too, had now reverted to their civil occupations, the clerk to his desk, the trader behind his counter and the indentured labourer to his unrelieved toil on his white master's plantation under the sirdar's unsparing lash. When the tide of war had begun to turn in favour of the English, it had been announced that the Queen's chocolate was to be distributed to the soldiers and volunteers. Gandhiji wrote to the Colonial Secretary at Petermaritzburg, to try and obtain the gift also for Indian Volunteer Leaders who had offered their services without pay.[2] To his disappointment he was informed that His Excellency the Governor had communicated with the Military authorities upon the subject but had found that "with every desire to comply with your request" it was impossible for them to do so, instructions having been received from headquarters at the Cape that the issue of the chocolate

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was to be "strictly confined to enlisted non-commissioned officers and men".[3]

He thereupon decided to do something on his own. While at the front he had promised to make a small present to such of the stretcher-bearers as were under his charge in the event of their acquitting themselves creditably. In fulfilment of this promise he now sent a small present with a personal letter to each of them with his blessings.

> The officers are pleased with your work as indeed with that of all the bearers. It is, therefore, time for me to act according to my promise. As a token of my appreciation of your work, I present you with the accompanying, which I trust you will be good enough to accept. You have rendered a service to the community in having gone to the front. That you may always do good deeds, earn your bread honestly, and perform your duty, firmly trusting that you cannot but serve yourself in serving your countrymen, is the prayer of your well-wisher, M. K. Gandhi.[4]

To the leaders of the Ambulance Corps he offered the gift of his free legal service. By joining the Indian Ambulance Corps as leaders, he wrote to them, he was sure they had rendered a service both to themselves and the motherland. But he had a feeling that they had enlisted partly out of their affection for him. "Thereby you have put me under a debt. It is beyond my capacity to compensate you ... in terms of money but as a token of my gratitude and appreciation of your personal regard and help in serving the motherland in the hour of crisis I offer to take up without fees any legal work that I can do in Durban for you, or your friends, to the extent of £ 5 during the course of a year from today, while I remain in South Africa.[5]

* * *

There was one class of Indian helpers whose claim to recognition and reward had more or less been overlooked. They were the Indian followers who had accompanied the troops from India. Surprise as well as admiration had been expressed on all sides at the "cool and plucky behaviour of the bearers of the green covered dhoolies" who had gone about their business "with heroic indifference to the leaden rain", during the heaviest fighting. The story of their deeds at Talana Hill, "when bullets were scouring the air and men were falling dead and wounded in terrible numbers", had already got into the Press and drawn unstinted praise. Not an officer or a man had passed into their hands but had been grateful for the attention shown him by the Indian hospital followers. "These Indian fellow-subjects of ours," wrote General Sir William Olpherts, "are doing in Natal a work which requires even more courage than that of the soldier."[6] It required courage of no mean order, observed the *Natal Mercury*, to follow the line of skirmishes or the mad rush of the charge, inspired not by the lust of battle, but by the spirit of duty which demanded implicit obedience by

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non-combatants who, exposed to the same deadly hail as the fighting line, splendidly carried out their work of removing the wounded.

There was the instance of a man who, when stooping to pick up a wounded officer from the ground was himself severely hit. Bracing himself to withstand the deadly faintness, which ensues after a bad wound, without a wince, "he shouldered his burden and steadily pursued his course to safe quarters and deposited it with the hospital staff before he gave himself a moment to consider his own suffering".[7] Yet while South Africans and their friends and relations were doing all they could to show their appreciation of Tommy Atkins' worth, by sending clothing and comforts of all kinds to him at the front, little, if anything, was being done for these men from India who had borne their full share of the difficulties and hardships of the campaign. Should they forget their water-carriers and hospital followers, asked an Englishman in the columns of the *Natal Mercury* and answered :

> It is surely only right that the services of these latter should be recognised by us. Their salary (save the mark!) is but a few shillings a month, and although supplied with rations yet, when wishing to supplement them in this country by small luxuries, they have to pay several shillings for what in their own costs only a few pence. ... They will not eat our food, but we can help them by adding a small sum of money to their pay to enable them to buy extras, e.g. ghee, dhal, atta, meat etc., which they can eat according to their caste-habits.[8]

Wholeheartedly supporting the proposal, the *Natal Mercury* opened a fund for providing amenities to the Indian followers, and a small committee of Indian Medical Service Officers was formed for the distribution of gifts, monetary or other, that the kindly disposed might care to forward.[9] The Indian Camp followers' Fund was consequently started by Captain Leumann, I.M.S. The colonial-born Indians gave an amateur benefit performance for it.[10]

* * *

Dr. Booth was keen on having the services of the Natal Volunteer Indian Ambulance Corps leaders brought to the Queen's notice. As early as March 1899, he had written about it to Miss Palmer, his wife's cousin. She in her turn had contacted her cousin, Lady Wilfreda Biddulph, fourth daughter of Roundell Palmer, First Earl of Selborne, who married George Tourney Biddulph, a banker, in 1833. This lady was able, through the good offices of her step-niece by marriage, Mrs. Marie Constance Mallet, Maid of Honour (before her marriage) and Extra Woman of the Bed Chamber to Queen Victoria, to have an audience of the Queen, who commanded her to read out to her Dr. Booth's account of the Corps' work. Her Majesty was so impressed by it that she 'asked to keep' or, as Dr. Booth put it to Gandhiji, since Royalty never 'asks' for anything, 'took possession' of the

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letter in question.

Lady Wilfreda Biddulph next approached Mr. Brodrick, an old acquaintance of hers in the War Office, who later succeeded Lord George Hamilton as Secretary of State for India. Requesting him to obtain the grant of the South Africa 1899-1900 medals for the leaders of the Indian Ambulance Corps, she wrote: "It is on account of my having succeeded in getting their work under the Queen's notice that I have been asked to bring their wish before the proper quarter."

The matter was referred to the Secretary of State for War, who enquired of the Adjutant General. The Adjutant General wrote back that the Army Order, as drafted, only conferred the medals on those who drew pay. The Secretary of State for War thereupon asked the Commander-in-Chief whether this was not a case which should be brought within the Army Order, "especially as, if brought to the Queen's notice, we are almost sure to be pressed to do it". The Commander-in-Chief agreed. The Adjutant General was accordingly informed that the Commander-in-Chief considered the inclusion of the Indian Ambulance Corps leaders' names in the medal rolls necessary. On November 22, 1900 the decision was communicated to the Field Marshal Commanding the Troops in South Africa and on January 1, 1901 Dr. Booth was able to communicate the happy news to Gandhiji.

Medals were accordingly struck and clasps devised in commemoration of the occasion. In May 1901 in reply to a question by Sir Muncherjee Bhownaggree, who had asked the Secretary of State for War in the House of Commons what action had been taken in regard to the grant of Queen's medals to the members of the Indian Corps, Mr. Bromley Devenport informed him that the leaders of the Corps, thirty-two in number, had been granted Queen's medals and that the further question of granting medals to the sirdar and bearers of the Corps had been referred to the General Officer Commanding for report.[11] But a strange ill-fortune seemed to dog everything concerning indentured Indians in South Africa. The whole of the medal-giving business was hopelessly bungled and actually only 13 medals and 8 clasps were distributed, although a complete record of the names of the bearers as well as the leaders along with their addresses had been kept and should have been in the possession of the Superintendent of the Corps. The rest of the men, commented *India*, "have disappeared so efficiently that the British authorities cannot trace them any more than if the earth had swallowed them up or the Boers had eaten them".[12]

"We have not said much about the manner in which the medals have been distributed," observed Gandhiji, "because we are anxious that the leaders who worked should not connect themselves with any reward. They undertook the work as a labour of duty, pure and simple, and they should be ever ready to take such duty up again, irrespective of recognition of merit."[13]

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2

His experiences on the battlefield had made Gandhiji more sensitive than ever to human suffering. The Indian hospital which he had been attending as a volunteer had of late been running into difficulties. In a Colony, where the strong racial prejudice accentuated by the anti-Indian agitation made it extremely difficult for black and coloured people to obtain satisfactory medical care in case of illness or accident, it had proved a veritable boon to the poor. It had provided free medicine to hundreds of patients and rendered timely service to the blind, the ailing, the decrepit and the halt, irrespective of whether they were Gujaratis or Tamilians, Hindus, Muslims or Christians. The medicines were purchased partly out of voluntary contributions dropped by patients and visitors into a charity box, kept there for the purpose. The establishment charge was nil as both the doctors—Dr. Booth and Dr. Lilian Robinson—and Gandhiji gave their services free of charge. Later when Dr. Lilian Robinson fell ill another honorary worker, Dr. Clare Williams, took her place. But the rent for the building had to be paid, medicines had to be purchased and other running expenses to be found. Prior to the opening of the hospital it had been decided that the Indians should contribute £ 85 per annum as rental charges for a period of two years. A fund had accordingly been opened by the Natal Indian Congress and a sum of £ 61 had been collected. But owing to the political troubles through which the Indian community was passing, the severe setback in business due to the war and the heavy losses suffered by the Indian traders as a result, the balance of the amount guaranteed by the Congress had remained unrealised, and the hospital had run into arrears of rent for nine months. At least £ 80 were needed to enable it to continue for two years. To save the hospital from having to close down, which would have been a calamity to the poor people who depended upon it, Gandhiji issued an appeal to the Indians to come forward and subscribe the required amount to the hospital fund. As Durban had hitherto borne the brunt of almost all the subscriptions, he invited contributions from other parts of the Colony as well.

For a political leader of Gandhiji's standing, to squander time and energy on such trivia might look like a sin against proportion. But in the type of struggle in which he was engaged this kind of work held a place all its own. When a people is all but crushed under the weight of oppression, only this kind of painstaking toil at the grass roots, informed with a burning compassion and feeling of oneness with the sufferers, can revitalise and organise them for action. The value of such work is not to be measured in arithmetical terms. It introduces a ferment of matchless potency in society and by forging links born of mutual confidence and trust between the

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leaders and the led creates a basis for organisation which does not depend on the sanction of force. Gandhiji later gave it the name 'constructive non-violence'.

There was a poor woman Ava. Her husband, Amod Abdulla of Durban, was undergoing three years' imprisonment in the Central Jail, Durban. Alone, young and comparatively well-bred, she was, in her unprotected state, exposed to temptations which might ruin her for ever. Moved by her plight Gandhiji wrote to the Colonial Secretary and got him to remit the unexpired portion of the sentence of her husband, in exercise of the prerogative of mercy, for which, as she had stated in her petition. the relief of Ladysmith provided an excellent occasion.[14]

The Indian community in South Africa lost their best champion, when in February 1900, Sir William Wilson Hunter fell a victim to influenza at the age of sixty. His courageous support in the Viceroy's Council to the Ilbert Bill, which gave a limited criminal jurisdiction over Europeans to Indian Magistrates (see *The Early Phase*, p. 116) and his consistent and able advocacy in the columns of the London *Times* of the rights of the Indian community in South Africa had endeared him to all sections of the Indians. With his long administrative experience and brilliant record of service he could speak with authority to the India Office as well as to the Colonial Office. Gandhiji often used copious extracts from Sir William's writings in the many memorials and petitions drafted by him. On March 8, in remembrance of his priceless services, Gandhiji drew up and circulated among his co-workers for their signatures a proposal for a message of condolence to be cabled to Lady Hunter on behalf of the Natal Indian Congress.

Of a more personal character was the loss that Gandhiji suffered in the following year by the death of Shrimad Rajchandra, who had thrown out the life-line to him, as it were, when spiritually he was drowning in a sea of perplexity and doubt. The truths to which he had led had become the main props of Gandhiji's belief. Gandhiji had dreamt of studying religion under his direct guidance. All that was now over. He could scarcely believe it. And yet, as at the time of the death of his mother, he stood the shock with a strange, unearthly calm. To his life-long friend Revashankar Jhaveri he wrote:

> I got the letter while I was at my desk. Reading it, I felt grieved for a minute and then plunged immediately into my office work. Such is life here. But whenever there is a little leisure, the mind reverts to it ... I was greatly attracted to him and I loved him deeply too. All that is over now. So I mourn out of selfishness.[15]

This utter indifference to the incidents of life and death, the fruit of his living faith in the teaching of the *Gita*, became a settled trait of the

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Mahatma. Of late this Book of Life had steadily been growing upon him and he had been trying to assimilate and translate into his day-to-day practice its teaching with a passionate ceaseless care. In an address to the inmates of the Poet Tagore's Ashram at Santiniketan, on the death anniversary of his dear friend, Charles Freer Andrews, nearly a half century later, when he was himself nearing the journey's end, he delivered himself as follows: "Birth and death are the obverse and reverse of the same coin. They are not distinct. They are different aspects of the same thing. But out of our ignorance we welcome the one and shrink from the other. This is wrong ... Speaking for myself, I may say that I have almost forgotten to mourn the death of near and dear ones."

3

Preoccupied as the Indians in South Africa were with their own troubles, Gandhiji missed no opportunity to impress upon them the importance of keeping alive and strengthening their spiritual link with the mother country —the umbilical cord which alone could keep their springs of vitality replenished. India was poor, the Indian settlers went to South Africa in search of wealth, but they were bound, he reminded them, to contribute their mite to the relief of their countrymen in their adversity. He had done this during the famine of 1897. He now did it again when news arrived that a famine even worse than the one of 1897-1898 had converted the entire region from the banks of the Godavary to the banks of the Sutlej into a desert. Sixty millions of people were racked with hunger and six millions of them, it was estimated, "would die tomorrow but for a handful of rice". In Central India, reported a South African journal, the fields were void and barren, "the baked earth, burned to a mahogany brown, shrieked for rain. Not a patch of green, not a blade of grass the leaves of trees, withered, frizzled, twisted, had fallen off the naked branches." In entire villages not a living creature was to be seen, "save perhaps an emaciated bullock breathing out his last in the company of a starving cow". At the relief camps "little children ... with large, lustreless eyes" fought with "the hungry mangy curs" that had followed in the wake of the population, "to snatch a half eaten crust". The sun was 'a ball of fire in a sky of copper'.[16] For miles, wells and tanks had all dried up. At one place maddened by thirst people were forced to drink contaminated water from a stagnant pool, the remains of last year's rains. That night cholera broke out in the camp —

> 'black cholera' that tortures its victims with untold agonies before releasing them ... the multitude laid themselves down by the roadside. ... The heat was 110. ... The unwinking moon shone alike upon dead and dying. ... The English doctor came. He felt a pulse here, examined a distended eyeball there, shook his head and passed on.

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"Not all the losses, in killed and wounded and sick sustained by the British forces in the whole year in South Africa," observed a South African journal, referring to the inconceivable desolation and ruin wrought by excess of drought in the Bhil country, "are equal to a single week's mortality in India from famine and fever."[17]

On the previous occasion when India was visited by famine, the Mayor of Durban had issued a direct appeal, but this time, owing to the preoccupation of the Colony with the war and the consequences of the war, no such direct appeal had been made. The Indian community also, with its refugee problem and other demands that the war made, had done little beyond forwarding subscriptions to the branch office in India. The unprecedented magnitude of the disaster at last prompted Lord Curzon, the Viceroy of India, to issue an appeal to the Lord Mayor of London for help. Simultaneously with the publication of his appeal in the South African Press came a request to the Protector of Indian Immigrants, Natal, from Emigration Agent at Calcutta, Robert W. S. Mitchell, to collect subscriptions from the indentured Indians. Immediately on receipt of Mr. Mitchell's letter, Mr. Mason, Protector of Indian Immigrants, had Lord Curzon's appeal circulated amongst Indians resident in Durban and sent a few copies to Gandhiji for distribution amongst Indian merchants.[18]

In the changed circumstances Gandhiji immediately took up the matter. A strong Central Committee of leading European planters and merchants was formed with His Excellency, the Governor, Sir Walter Hely-Hutchinson as the Patron, the Mayor of Durban as Chairman and Mr. Mason, Protector of Immigrants, as Honorary Treasurer. Gandhiji was the Honorary Secretary. The Hon. Sir John Robinson, the ex-Premier of Natal, and the Hon. Henry Bale, the Attorney-General, actively espoused the movement.

In a letter to the *Natal Advertiser*, supporting the appeal issued by the Committee for funds in aid of the relief of the victims of the threefold calamity of famine, cholera and plague, Gandhiji wrote:

> I may be pardoned for saying that our State is very prosperous compared to the miserable conditions of the millions in India, who have to be engaged in a war in which there is no victory to be gained, in which, probably the only reward is a painful and lingering death. One penny would just feed a man for a day in the disaster area in India. Is there a man in the Colony who cannot, without any inconvenience, spare a shilling, and thus be the means of feeding 12 hungry mouths for a day?[19]

Calling upon the Colonists to give at least a few shillings each, he reminded them that six millions of the famine-stricken in India were at that very moment being supported by the State, not to mention the flow of private charity. Adamji Peerbhoy of Bombay alone had supported during the month of May last 16,300 men per day. The number of those seeking

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relief according to Dr. Klopsch, who had specially been sent from America to administer the fund that America had raised, increased by 10,000 per day. The Bishop of Natal had recently said that, calamitous as every war necessarily was, the war in South Africa had at least done good by bringing together the various parts of the British Empire. Underscoring the Bishop's remarks, Gandhiji expressed the hope that the threefold scourge in India; viz. famine, cholera and plague would be "the means of forging another link in the chain that ties all together".[20]

The response exceeded all expectations. In 1897 the European contribution to the famine fund had been just over £ 200 and the Indian about £ 1,200. This time nearly £ 5,000 was collected. £ 3,000 or so of this were contributed by the Europeans, £ 1,700 by the Indians and £ 300 by the 'natives', largely under missionary influence, but as a result also of the repercussion that the Indian struggle was having on the Zulus, who saw in the Indians fellow sufferers with them in the matter of Pass Laws and several other civil and political disabilities. Thanks to the unconditional spontaneous offer of cooperation by the Indians in the face of common peril, in spite of their unredressed grievances, "colour prejudice was for the time forgotten and the best traits of the character of the community ... were brought into play". The magistrates in the various divisions. Chairmen of Local Boards, the clergy and a band of Indian workers vied with one another in making collections. Lady Robinson with her friends threw herself into it. Such a combination would have been impossible a year ago.[21]

On the same day on which Gandhiji wrote the letter to the *Natal Advertiser* supporting the Durban Mayor's appeal for the famine relief fund, he also wrote to the Colonial Secretary. The Muslims of Natal had decided to present an address on the Silver Jubilee of the reign of the Sultan of Turkey, the Caliph of the Muslim world. Before the institution of the Caliphate was abolished by Kamal Ataturk, the Caliph used to be the spiritual head of the Muslims the world over. The descendants and successors of the Prophet had used this title. Later on, as a result of conquest, this title had passed on to the Sultans of Turkey. Gandhiji associated himself with the decision of his Muslim fellow countrymen.

Feeling that the proper way of addressing a communication to another sovereign in Europe by the Queen's subjects would be through the Governor, Gandhiji, with his unfailing sense of punctilio, sought the Colonial Secretary's guidance as to the correct etiquette. As the occasion of the Silver Jubilee was very near and the address had to leave by the following Saturday he requested an early reply. Unfortunately the Colonial Secretary could reply only on July 10, after a lapse of ten days, when the address had already been despatched to the Turkish Ambassador in London. Explaining this to the Colonial Secretary, Gandhiji thereupon again wrote to him that if the Governor thought that the address ought to have been sent through

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the Right Hon'ble Secretary of State for the Colonies, it was still possible to request the Turkish Ambassador to hand it over to the Colonial Office at London. "In any case, I shall be glad if I receive His Excellency's opinion for future reference in such matters."[22]

The delicate regard for the religious sentiments of his Muslim fellow countrymen, rooted in his belief that all religions are perfect in relation to their respective votaries and therefore entitled to the equal respect of all that he evinced on this occasion, remained with him through his life. Two decades later, when impelled by the same consideration he again identified himself with the aspirations of the Indian Muslims on the issue of the Caliphate, as he had done on this occasion, it made history.

4

The eightyfirst birthday of Queen Victoria fell on May 24, 1900. In anticipation of it Gandhiji had sent to the Colonial Secretary a congratulatory telegram on behalf of the Indian community, reiterating their loyalty to the throne and fervently praying that the "Almighty may shower (His) choicest blessings on her". He also had a message of condolence cabled to Her Gracious Majesty in her grief, when her second son, Prince Alfred Duke of Sax-Coburg and Gotha, died on July 3. In the following year, on January 22, at 6.30 p. m., the Queen herself died at Osborne House, plunging the Empire into mourning. Gandhiji had a message of condolence sent to the Royal family in their bereavement "to join Her Majesty's other children in bewailing the Empire's loss", in the death of "the greatest and most loved sovereign on earth". On Saturday, February 22, 1901, the Indians stopped all business and organised a great procession to mourn her death and to garland her statue. From 5.30 a. m. on the appointed day, crowds of them from the neighbouring districts began to flock to Grey Street. Large numbers walked from Umgeni, Bellair, Isipingo and other parts. Punctually at quarter to eight Gandhiji and Mansukhlal Nazar came up with a beautiful floral wreath from the Indian community on their shoulders. Parsi Rustomji brought another for the Parsi community. As the Town Hall clock struck eight, the wreaths, specially designed to fit in with the length of the pedestal, and bearing in the centre the star in violet of the Eastern Empire, were reverently laid on the pedestal of the Queen's statue and speeches were delivered before a crowd of not less than 5,000 Indians by Parsi Rustomji, Abdul Karim (of Messrs Dada Abdulla and Co.), H. L. Paul, R. Moodley, and Osman Ahmed. Gandhiji, who followed, in his remarks dwelt on the Queen's deep interest in Indian affairs—how she had commenced the study of Hindustani at a ripe age and, although she herself could not go to India, had sent her sons and grandsons to represent her. Among those who witnessed the striking ceremony were the Mayor

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with his daughters, Superintendent Alexander and a number of Europeans.

At 10 a.m. the same day, about 400 Indians, mostly traders, including a section of the Christian community, assembled in the Market Square at Pietermaritzburg. Led by G. V. Godfrey, slowly they set out in a procession with bouquets, wreaths, garlands and flowers in profusion. Thousands of people lined the streets as the procession wended its way towards Government House. When it reached Amod Bhayad's, it was joined by the Muslim section, representing the mercantile community of Bombay, who also came out with bouquets and garlands. The people entered the ground with uncovered heads, circled the statue in solemn silence and reverently laid their floral tributes before the statue of 'the most illustrious of Sovereigns'.[23]

On March 1, at an Indian Memorial service held in the Town Hall, Durban, under the presidency of the Mayor, over 1000 Indian children from the local Indian schools assembled to hear an address delivered by Mr. Russell, the Superintendent of Education. The theme of his address was 'The Queen's Reign'. Gandhiji, in moving a vote of thanks to the speaker said, he thought the address "would leave a lasting effect on the memory of all the Indian children who had had the advantage of hearing it".[24] The Mayor of Durban remarked that the sight of so many children in their picturesque attire, come there to pay tribute to their late lamented glorious Queen, would never fade from his memory. They were Indians, but they were sons and daughters of the Empire, and he, the Mayor, recognised no distinction of race and creed among British subjects.[25]

All the children present carried away with them as a permanent memento, a lithographed sheet containing a portrait of the Queen, with an extract from her Proclamation to the people of India in 1858 at the top, a record of the dates of the six principal events of her life in relation to India at the bottom and two maps, showing what India was in 1837 and what it was under the Queen's reign and also her remark "I will be good", when she was informed at the age of 12 that she was the future Queen of England. Not satisfied with this, Gandhiji addressed a letter to the heads of all the Indian schools suggesting that the memorial souvenir should be presented on behalf of the Indian community to every Indian school-going child whether he was present at the function or not; *to bring home to them the theme of loyalty to the throne as a necessary part of their education*: "One copy should be framed and hung in the school-room and each pupil should be induced either to frame it, if he can afford it, or neatly paste it on a nice piece of thick cardboard and hang it in his room." Local store-keepers were asked to "decently frame and exhibit it in their show window", and the teachers to study carefully Mr. Russell's address and discourse upon it to the students "so that they may have a fairly good idea of the ever-memorable reign".[26]

One can today scarcely repress a smile over these perfervid affirmations of loyalty and their instilling with a crusader's zeal in the minds of even

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little children, as if it were a part of scripture, by one who was later to proclaim himself an implacable enemy of British Imperialism, whose mission in life it was to put an end to it. It, however, provides the key to the understanding of Gandhiji's whole life which, to put it in brief, was an unremitting pursuit and practice of truth as he saw it with a single-mindedness that has few parallels. Truth meant to him not a metaphysical concept but uncompromising integrity of personal character. It was his burning belief in the benign nature of the British Empire on the whole that later turned him into a rebel, when the British Government betrayed the ideals it professed. He could not have been the rebel that he became if he had not been the loyalist that he once was. More jealous than any Englishman of the image of the object of his allegiance, while yielding to none in loyalty to the British throne, he could not brook even a suspicion of a blemish in it. He could therefore never reconcile himself to some portions of the English National Anthem, which he had so meticulously taught his own children to sing 'in the correct English tune'. The lines

> "Scatter her enemies,
> And make them fall;
> Confound their politics,
> Frustrate their knavish tricks."

sounded to his ears un-Christian and unworthy of a sovereign that was styled 'Defender of the Faith'. How could they assume that the so-called 'enemies were knavish, he asked. And because they were enemies, were they bound to be also in the wrong ? "From God we could only ask justice. Dr. Booth entirely endorsed my sentiments, and composed a new hymn for his congregation."

5

The atmosphere of goodwill that had been engendered by the offer of help by the Indians, when British arms were suffering heavy reverses, began to wear away as the tide of the war turned in favour of the British. The first manifestation of it was provided by what came to be known as 'the fruit market dispute'. Early in 1900, an Indian fruiterer, N. Kistnasammy Naidu, also known as Charlie K. of Maritzburg, lodged a complaint in the City Civil Court before Mr. W. H. Beaumont against a European, E. G. Taylor of Chase Valley, Maritzburg. A special table was set apart in the fruit market for European growers, though there was no written regulation entitling Europeans to the sole use of any table. But in the second half of January 1900, when the market was undergoing repairs, tables were taken out of the hall and put on the verandah; no special table was set apart for Europeans. This enraged E. G. Taylor : Finding Kistnasammy

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selling both to Indians and Europeans, he forcibly removed and threw away 10 dozens of pineapples, 7 lots of beans and two lots of bananas belonging to the Indian. Kistnasammy brought a claim for £ 3 15s. As a protest against the behaviour of the European merchant, the Indian traders abstained from attending the market. This continued till February 16.

The hearing began on February 26, 1900. The defence put up was that the reservation of tables for Europeans was sanctioned by long practice. On several occasions the Indians who had infringed that custom, being required by the market salesman to remove their stuffs to another table, had submitted to it. No evidence was produced to show the existence of any market regulations to that effect. In his judgment Mr. Beaumont, the magistrate, said that it was plain that there was no such custom as alleged by the defendant. The *ipse dixit* of the Market Master could not become a rule. The defence as to custom had 'utterly failed' and the defendant had no right to act as he did. The judge could not understand on what grounds the case before the court was being defended "unless the defendant wished to claim public attention". The plaintiff had a right to the table and his fruit had been pushed out. In estimating the damages he did not stress the value of the fruit; it was the infringement of the right that mattered. He fixed the damages at £ 1 and costs.[27] The dispute was ended when in the first week of March, 1900 the Chairman of the Market Committee of the Town Council gave to the legal representatives of the Indians the assurance that in framing the new regulations care would be taken to ensure fair treatment for the Indians. Extremely revealing was the comment of the *Times of Natal*, while the Indian boycott was in progress: "The Indians still continue to keep aloof from the City Produce Market, but this fact notwithstanding, good prices continue to be realised, the absence of the coloured buyers being almost if not quite, compensated for by the largely increased attendance of the Europeans."[28]

A letter by a white man in the *Natal Mercury* gave further indication of the direction in which the wind was blowing. Stating that he had come with every intention of settling in the Garden Colony, he asked what inducements were there for a white man marrying and forming a home there? The "descendants of Natalians will curse their fathers' names when Amod and Sammy will be able to do all their work at 15s. per week, as against their £ 3". For the time being the Indians were mostly traders, he warned, but they were being educated and it would not be long before they would be occupying positions which were at the time being held by white clerks. There were many instances of white men employing 'coolies', but could anyone show him a place where a permanent white man was engaged by a 'coolie employer', he asked. Owing to the war, the 'coolie' question had been allowed to recede into the background, but it was time that they woke up. "Feeling requires to be stirred up, and kept up, and made a plank of. What

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is the use of annexing the Transvaal on paper, when instead of it being an inheritance of the white race, it will only form an extended base of brother Ham...The greatest...loyalty is (to) a man's pocket."[29]

Another correspondent, 'Progressive B', complained that the Natal Government instead of fostering European immigration had set up the Indian Immigration Department, costing at London alone £2,000 per annum. "Won't the Indian Immigration Department gloat over the suggestion of Natal getting half the Transvaal and quarter the Free State? What nice Dutch farms will be ready for occupation by Amod and Sammy?" England, 'Progressive B' felt, should never have allowed these people to come to the Garden Colony, but seeing that the wrong had been committed, "our statesmen surely can imagine what a change for the worse will happen if this evil goes on unchecked for another 20 years".[30]

As the British gained more and more victories this trend became more pronounced. A case was reported in the month of June from Ladysmith in which a European resident, John Powell, was charged with assaulting a 'coolie'. The Indian was picking up rubbish in the grounds of the accused when the latter, it was stated, set his dog at him, which bit him. He also struck the Indian on the ear. For South Africa this was nothing very extraordinary. But the 'coolie' in the present case was an employee of the Imperial Government. The European assailant was arrested by the military police and refused bail by the Commandant who had him lodged in jail for three days.

At the hearing before the Ladysmith Magistrate the defendant stated that on the day of the occurrence he had seen two 'coolies' coming from the back of his stable and fowl house. One of the coolies was carrying a broom, the other a sack. He was 'convinced' that they had come there to steal. He pursued them. "The coolie tried to dodge me ... I caught him and drove off the dog which simply barked at him, but did not touch him. When I caught him by the collar, he dropped on his knees, (buried) his face in his hands and cried, 'Oh boss!! ... and begged for mercy. ... I told him to clear out, and pointed to my garden gate about 50 yards off, calling him a thief." But instead of going through the gate he cleared the fence into the next place. "I followed him to send him through the gate, but he got over the fence before I reached him."

Cross-examined, Powell denied striking the 'coolie'. He did not throw him down. The 'coolie' had gone down on his knees and cried for mercy. The whole story was a flimsy concoction. Giving the prisoner the benefit of the doubt, the magistrate found him 'not guilty'.[31]

The Commandant, however, was in no mood to stand any nonsense from the civil authority. As soon as the prisoner left the dock, he had him served with a military order demanding that he "leave the town before 8.30 p.m. on the 17th instant".

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The next day the following by a white Colonist appeared in the Press:

> What are we British coming to? ... It is scandalous ... Is the word of a well-known white man ... not better than that of a casual coolie? It's monstrous, and calls for investigation. The 'black question' is becoming a very serious one ... It is high time we took the matter up boldly. We are, or we are not, the rulers in this land. As things are, the Kaffirs and coolies seem to be running the Colony.[32]

* * *

The Natal politicians were not averse, in the changed political climate, to fish in the troubled waters of race prejudice. In September 1900, Mr. Tatham, M.L.A., while addressing a meeting of the electors of the city, told them that "from the middle of next year while the white man would have to pay tax on his flour" the 'coolie' would 'be getting his rice free'.[33] In the following month the New Hanover Society demanded that the manager for the Natal Government Railways be approached to arrange for special compartments being set aside for 'for coloured people'.[34] The proposal was adopted with the words 'for Europeans and those of European descent' being substituted for 'the coloured people'.

Under the Plague Regulations even Kaikobad, son of Cowasjee Dinshaw, the well-known merchant king of Aden, while returning by sea from Cape Town to Natal, was not allowed to land, although he came as a first-class passenger. The Plague Officer said, he had "instructions not to land any coloured people at all". A telegram to the Colonial Secretary of Natal had to be sent before he could land.[35] To get these rules changed or cancelled Gandhiji opened correspondence with the Immigration Restriction Officer. No favourable reply being received to his letter, on July 31, 1900, he wrote to the Natal Colonial Secretary to instruct the Immigration Officer to withdraw the rule in question. His hope that he had "but to bring it to the notice of the Government to secure ... relief",[36] was, however, not fulfilled.

It was clear that the European Colonists were determined to check the Indian's 'propensity to deem himself the European's equal' and to put him in his place in post-war Natal. Even the judiciary was affected. One evening in November 1901 Thomas Shivpragasan, an Indian Chief Sirdar and store-keeper to the African Boat Company, took his seat as usual in a tram car. The conductor ordered him to go upstairs, and on his refusing to do so called a constable to remove him. The victim filed a suit against the Corporation which owned the tramway for the insult and laid damages at £ 500. The judge found that Thomas was told to remove upstairs "partly because he was an Asiatic and partly because he was in working attire, which was dirty". One of the partners in a well-known firm, however, in his evidence emphatically maintained that Thomas 'seemed clean enough'

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and that he 'generally dressed very clean'. In spite of this his suit was dismissed and, what is more, Thomas was ordered to pay the defendants' costs. Most revealing was the reason given by the judge for saddling Thomas with the defendants' costs, viz. "the enormous claim which was brought in the action—a claim which was really not for any real loss sustained, but for damages for the infringement of what he might call a technical right".[37]

6

Individual cases apart, things had on the whole so far proceeded fairly smoothly for the Indians in Natal. No organised body or official agency was carrying on any anti-Indian agitation. The Press on the whole discouraged publication of letters that might rouse racial sentiment. The *Natal Advertiser* had refused to accept anti-Indian letters stating it was not advisable to "stir up ill-feeling during the present crisis".[38] A leading article that appeared in the *Natal Witness* in September 1900, soon after the more serious phase of the Boer War was over, however, revealed a new and disturbing trend. The Colonists were told that services rendered by the local Indians as ambulance men and otherwise should not be allowed to 'blind' them "to the necessity of keeping an ever vigilant eye on the Indian question". Even Lord Roberts was no more to be trusted as, 'owing to his Indian connection', he might entertain pro-Indian views.[39] They must see to it, the Colonists were told, that the temporary military occupation under him was not permitted to encroach upon "the position Natal has hitherto maintained successfully in restricting Indian immigration and enterprise". The spontaneous unconditional offer of war services by the Indians, which had been acclaimed by practically the entire South African Press as a gesture of generosity on their part, was interpreted as being "rather acknowledgement by the Indians of the justice of Natal's position than that they were rendered in spite of their legitimate grievances". "Natal for the present seems to be not quite ill-disposed," wrote Gandhiji in a letter to Dadabhai Naoroji on October 8, 1900, "but it will not take much to draw it out and, it is to be feared, make it return to its original opposition to the Indians".[40]

What gave substance to the Indians' fear was the rigorous enforcement of the Immigration Act of 1897 even during the war. Under it, it will be remembered, no person who was unable to write out in any of the European languages an application in the form attached to the Act, could enter the Colony, unless he was previously domiciled. Notices, for which there was no sanction under the Act, had been issued to the shipping companies to warn them against taking Indian passengers for Natal, who were without certificates of domicile. These were at first given free of charge on a verbal application either by the person himself or by his friends. A charge of two shillings and six pence was then introduced for the first time for its

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issue. Later, an affidavit of proof of domicile was required. Then, two affidavits were insisted upon, and proof that the applicant for the certificate had been resident in the Colony at least for two years. To these was now added the innovation that either the person wishing to enter the Colony should himself apply for a certificate of domicile or persons of 'known respectability' should tender under oath proof of domicile. The cordon of restrictions was thus progressively made tighter; all but the well-to-do were shut out of the Colony.

The latest innovation weighed most heavily on those that were outside the Colony at the time these innovations were introduced. Postal service between India and South Africa was tardy and irregular, and there was the ever-present possibility of the applications being shuttlecocked between India and South Africa half a dozen times on the ground of some technical flaw that the Imigration Officer in charge might fasten upon. In the circumstances a person in India might have to wait for a whole year before he could obtain the domicile certificate. In August 1900, one Dosa Desa applied for a certificate of domicile. To cut short the delay he approached Gandhiji. Gandhiji wrote to the Colonial Secretary to point his attention to the hardship to which his client had been put. "It takes as a rule 30 days and often longer for a letter to reach India, and if there was any flaw in an affidavit, it is difficult to say how long it would ... take before a certificate could be issued."[41] Besides, it could hardly be expected that the limited number of persons recognised by the Immigration Officer as 'respectable' could know all the persons for whom certificates of domicile might be required. If some people had abused the previous practice, the authorities should have brought the abuse to the notice of the Indians generally. It could then have been mitigated if not altogether stopped. If affidavits were made falsely, the culprits could be legally punished but this could not be made a ground for introducing new rules calculated to put unnecessary obstacles in the way of intending applicants in the exercise of what was their legitimate right. Gandhiji, therefore, requested that the rule in question should be withdrawn altogether and the ordinary procedure adopted to meet the abuse, if any.

The Colonial Secretary, however, replied that "no sufficient reasons appeared to the Government to have been shown for departing from the rules". Gandhiji rejoined that on the contrary it was the rule complained against that was an innovation on the established practice "for the introduction of which the community immediately concerned with it has been furnished with no reasons and the source of which it still does not know". If these rules were rigorously enforced, hundreds of Indians, who knew nothing of it when they went to India and who required such certificates, would find it "very difficult to come to the Colony although they have a right to enter it".[42] The certificate of Dosa Desa was thereupon granted. But this

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was poor consolation. The grievance remained.[43]

The Dealers' Licensing Act was for the present hanging fire. The country beyond the Tugella was yet under a semi-military government. The New Castle, Ladysmith and Dundee Corporations, which in 1898 had gained unenviable notoriety for the harsh and oppressive way in which that Act was enforced, had not been able to shake themselves free from the misery caused by the Boer occupation, and the Durban and Maritzburg Municipalities had their hands too full with various other matters connected with the war to give much trouble. But the uncertainty was still there and the poor traders were trembling in their shoes, not knowing what would happen to them in January next at the time of the renewal of licences. The least that was necessary was to remove the terrible uncertainty that hung like the sword of Damocles over every Indian licensee, and this could only be done by restoring the authority of the Supreme Court that Chamberlain had recommended. As Gandhiji put it, there was "(and very rightly) a howl of indignation when Mr. Kruger usurped the function of the High Court at Pretoria". But in Natal, where there were all the safeguards of a well-ordered constitution, the deprivation of the jurisdiction of the highest Court of Justice in the land made the danger 'terribly real and tangible', because 'it receives the solemn sanction of the legislature".[44] In a letter to Dadabhai Naoroji, Gandhiji wrote that it looked as if the services rendered by Indians would be 'entirely forgotten' and the Indian treated 'as a social leper' in South Africa.[45]

The Indian community was in a quandary. In Chamberlain they had a Colonial Secretary who was anxious to go to any length in respecting the wishes of the self-governing colonies. The India Office, on the other hand, was terribly inactive. If the Indians raised a public agitation over a post-war issue, while the war was still on, this would be misunderstood, and further aggravate the white feeling against them. But seeing that there was unanimity of opinion between the Indians and Anglo-Indians on this question, Gandhiji felt that it might be possible, if the Indian National Congress at its forthcoming annual session passed a suitable resolution, to rouse the India Office into activity and obtain some relief for the Indians. To this end he drafted and sent to Dadabhai Naoroji a resolution which the Congress passed at its annual session in December, 1900.[46]

7

Gandhiji was now no longer alone. Another Indian barrister, Mr. R. K. Khan from Middle Temple had joined him as his junior, living with him as a member of his household. "Somewhat fair for an Indian, his complexion being that of many Italians and Spaniards",[47] he had enrolled as an advocate of the Supreme Court of Natal in July 1899 on an application presented on his behalf by Mr. Morcom, ex-Attorney-General of Natal. Gandhiji having

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little time for court cases of a routine nature, owing to his preoccupation with public activity, could now leave to him the bulk of his cases in the Magistrate's court, which were of a non-controversial nature.

Two notable exceptions to this were the cases of Chellagudu—an indentured labourer—and Abarrah. Both cases involved anti-Indian interpretation of the statutes concerned, and so affected the entire Indian community.

Chellagudu was indentured to Messrs Townshend Brothers of the Sea Cow Lake Estate. Along with other indentured Indians he was sent by his employers to work for Mr. G. Wilkinson, a planter of Ottawa Estate, for about six months, without his consent and without the knowledge of the Protector. This was illegal. Law 25 of 1891 contained no provision for the transfer of Indians from one employer to another except with the voluntary consent of the Indian concerned. It was, however, customary with the department of the Protector to obtain voluntary consent of the Indians to any proposal of transfer of their services.

On November 2, 1900, ordered by Mr. Wilkinson to make caneholes, Chellagudu made none and on the 6th he left the gang, refusing to go back. He was prosecuted by Mr. Wilkinson for refusing to work and was sentenced by the Magistrate, Verulum. to a fine of £ 1 or in lieu to undergo imprisonment with hard labour for a week. Released on bail, he approached Gandhiji, who appealed on his behalf in the Circuit Court of Durban. The appeal was heard by Mr. Justice Beaumont. He considered the appeal a 'frivolous' one, and dismissed it with no costs. Gandhiji thereupon saw Mr. Mason, Protector of Immigrants, who told him that the obvious remedy was to appeal to the Supreme Court. In the event of the Supreme Court deciding it had no jurisdiction, Gandhiji could approach the Governor for a remission of the sentence.

The Supreme Court of Natal decided that it had no jurisdiction to review the decision of a Circuit Court Judge in the matter of appeals from a magistrate's decision. Gandhiji thereupon wrote to the Protector of Immigrants that the Supreme Court's decision still left the question of the interpretation of the law as to the transfer where it was, and he should, therefore, take up the question of remission of the sentence with the Governor as a matter of justice as he had promised to do.

On January 17, 1901, the Protector of Immirgants wrote to the Secretary of State for the Colonies that he thought the decision in Chellagudu's case was wrong. If employers to whom Indians were indentured were allowed to make their people over to anyone they chose without the knowledge or consent of the Protector of Immigrants, the control which by law the Protector had over Indians would be entirely lost and in the interest of Indians this was a matter "of very great importance ... that should be put right with the least possible delay, and the Magistrate should, I think, be directed not to punish Indians in future placed in circumstances as this"

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With regard to the prisoner in the case in question, he said he would approach the Governor for a remission of the sentence imposed by the Magistrate.

Henry Bale, Attorney-General, agreed with the Protector of Immigrants, but thought that it would be 'very improper' for the Government to be a party to an action which would have the effect of reversing a magistrate's decision that had been confirmed by the Judge.[48] A. H. Hime, Prime Minister, thereupon, intimated to the Governor of Natal that in view of the Attorney-General's opinion, he was "unable to advise Your Excellency to remit the sentence imposed by the Magistrate".[49]

The Governor of Natal wrote back confidentially on the same day: "My impression is, that the decision was wrong, if not, the law should be altered. Is there no means of testing the question?"[50] At the same time he advised the Prime Minister to inform Gandhiji that it was not for the Governor to act as a Court of Appeal on a question of law from the decision of a judge. "If I were to remit the sentence, it would not show that Mr. Beaumont's decision was wrong, it would only show that I thought it was wrong. It is purely a question of Law."[51] Accordingly on January 26, 1901 Mr. C. Bird, Permanent Under Secretary, informed Gandhiji as advised.[52]

Enclosing all documents to the Secretary of State for Foreign Affairs, on February 19, 1901, the Governor of Natal wrote that he thought, and the Attorney-General agreed with him, that Mr. Beaumont's reading of the law was 'probably wrong'. The Attorney-General had, however, undertaken to secure that if any similar decisions were given in future an appeal would be made to the full bench of the Supreme Court. He had further placed on record his opinion that "if the Supreme Court concurs in Mr. Beaumont's decision, legislation will be necessary to right the wrong". Whilst, therefore, he had declined to interfere with the decision of a judge on a point of law, concluded the Governor, he felt constrained to record his emphatic view that if Mr. Beaumont's decision was right, the existing law enabled employers of indentured Indian immigrants to hire out the labour of their indentured servants to the other employers and there was nothing to prevent them from making a profit out of such a transaction. Such a state of affairs, it seemed to him, was liable to lead to 'serious abuses".[53]

The Government of India being apprised of this the Viceroy's officials and advisers in the Executive Council, R. E. V. Arbuthnot, J. B. Fuller, and C. M. Rivaz, recorded their opinion that they did not think that any action was required.[54]

* * *

In the other case, Abarrah, an Indian barber from Ladysmith, was charged under the Pass Law, which prohibited 'coloured' persons from

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remaining out of doors after 9 p. m. without a pass. On September 11, 1901 the case was brought up for decision before Mr. J. Stuart, Assistant Magistrate. Gandhiji asked to be allowed to appear at that late stage, as the case directly affected the whole Indian community, and the police seemed to be labouring under a delusion in regard to their status. A few days earlier they had arrested a number of Natal-born Indians who had from very shame forfeited their bail and now an attempt had been made to bring the defendant, an Indian, who came to Natal of his free will, under the penalty of the law by terming him a 'coolie'. The relevant section of the Pass Law read: "After 9 p. m. failing to produce a pass from the employer". How could the defendant do this, when he was his own employer", Gandhiji asked. He quoted Mrs. Vinden V. Corporation of Ladysmith, in which the Supreme Court had laid down that the term coloured should be translated 'Indentured Indians' (see *The Early Phase*, p. 457). His Lordship said that in view of the case quoted, he did not feel called upon to say anything further. He could not lay down a hard and fast rule. The law was difficult. Though the accused was plainly a coloured person, the law did not call him that; so he was discharged.[55]

8

Next to the discrimination against coloured persons in the matter of railway travel and the use of the footpaths, nothing was more galling to the Indian's self-respect than a Municipal bye-law in the supposedly 'colour-blind' Natal, which forbade coloured people, including Indians, to use rickshaws which bore the label 'For Europeans only'. When this bye-law was introduced, many Indians had asked Gandhiji to draw up a protest. But he had then felt that it would be inconsistent with their dignity to insist on having the right to share a rickshaw with the Europeans who objected to it, so long as there were a sufficient number of the same kind of rickshaws available to the Indians also. But he soon realised that he had committed a grave error. For a time no particular hardship was felt, as there were a number of rickshaws without that discriminating label and the police did not unduly interfere with the rickshaw 'boys' carrying people cleanly dressed. But before long, yielding to the agitation by the whites who had been clamouring for it for some years, the Town Council gave definite instructions to the police to vigorously enforce the law. A very large number of Indians who had hitherto fully used this kind of transport then suddenly found themselves to their great inconvenience and annoyance debarred from its use. A typical instance appeared in *India:*

One Saturday afternoon in July 1900, one Abdul Rahman, a refugee from the Transvaal, while returning from the race course hailed a rickshaw and asked the rickshaw boy to take him to the town. The boy said, "No.

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I cannot carry your people. Look at the label; it is marked 'Europeans only'." On enquiry Abdul Rahman found the same thing with other rickshaws also. Suddenly, a 'dirty drunken' man called a rickshaw. The boy jumped up and off the man was carried, being a European. Wrote Abdul Rahman in a letter to the *Natal Advertiser* on July 25, 1900: "Even prostitutes ... are ... carried in rickshaws because ... they are white and because a man is coloured he dare not walk or sit where a white man does." Why did not the sober section among the whites protest against this sort of treatment to the British Indian subjects and why did not the Home Government interfere, he indignantly asked. He smelt in it "a secret understanding to leave the Indian question at present where it is and after the termination of the war to legislate and place us under disabilities".[56]

To bring to the notice of the Town Council the irritation among the Indians of all classes that the rickshaw bye-law had caused, Gandhiji addressed a letter to the Town Clerk with the request to place it before the Mayor. Without raising the question of the legality of the bye-law, though he held that it was illegal, he suggested, as a way out, that since what the Europeans objected to was not so much the colour of the fare as his dirty clothes or appearance, partial relief could be provided if the Council gave instructions to the haulers not to refuse such fares as were cleanly dressed. "I am told the haulers are shrewd enough to understand and carry out such instructions. The suggestion is obviously difficult, and will by no means be free from hardships and injustice but it is likely to allay the present acute soreness." Vigorous working of the bye-law, on the other hand, was likely to defeat its own object if the object was to avoid friction. It could be worked without friction only if its application was 'very largely tempered with discretion'.[57]

When the letter came up before the Town Council, Mr. Poynton pressed for a vigorous continuation of the bye-law. Their remedy, he suggested, lay in having a sufficient number of rickshaws reserved for Indians. Mr. Evans, however, urged that the "Indians were British subjects" and "the application came from one who stood in high estimation". On his insistence it was agreed to place the matter before the whole Council Committee.[58] The Town Council declined to accede to the request. Gandhiji thereupon prayed to the Governor for a cancellation of the bye-law as the law was illegal in terms of section 75 of Law No. 19 of 1892.

The petition had consequently to be sent to the whole Town Council for consideration notwithstanding Mr. Poynton, who had previously said that it would be 'sheer waste' of time to place Gandhiji's letter before the whole Town Council. On his suggestion the matter was referred to the Town Solicitor for his opinion, though the Deputy Mayor still objected that "the Government would not have passed the regulations had they not been legal".[59]

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The sinister significance of the change in the attitude of the Natal whites extended even beyond the borders of the Garden Colony. The Indian community felt apprehensive. As early as June 28, 1900 the *Natal Witness* had warned the authorities that there was reason to fear that

> the desire and intention of the Imperial Government to relieve the Indian population in the Transvaal of the disabilities under which they laboured during the Kruger Government may lead to complications when the time shall have arrived for that territory passing out of its tutelage as a Crown Colony. *It would never do to have one set of rules and regulations in Natal and another set in the adjoining province, greater freedom in one than in the other.*

It was Natal, the most English of English Colonies, that had set the ball rolling in the matter of putting special political and civic disabilities upon the Indians. Freedom to do this, untrammelled by the Home Government, had been one of the reasons behind its demand for self-Government. Natal had set the pattern for the white settlers in Rhodesia in their rampage against the 'Bunyans'. It was the English section of the mercantile community in the Transvaal that had pressed for the Indians being forced to reside and trade in the locations. And now it was again Natal, the most English of English Colonies, that was pressing the imperial Government not to scrap the anti-Indian measures promulgated under the Kruger regime. lest Natal itself should have to follow suit, when the annexed territories became self-governing. The right of Indians to use cabs plying for hire was one of the points at issue between the British High Commissioner and the Transvaal authorities before the Boer War. (See Chapter XI, pp. 239-40.) Now that the Kruger Government had been overthrown and the South African Republic annexed to the British Crown, everybody had expected that the various disabilities on the Indians in the Transvaal would automatically be removed. Would this in its turn ameliorate the lot of the Indians in Natal? Or, would the political climate of Natal contaminate the whole of South Africa and prevent relief being given to the Indians even in the Transvaal? The answer was partly provided by Chamberlain on July 18, 1901, when, in reply to Keir Hardie's question in Parliament, whether the same anti-Indian regulations as were in vogue in the recently annexed Boer Colonies would be applied to Indian subjects in Natal, he stated that "His Majesty's Government would not interfere with the regulations made by a responsible Government of a Colony".[60]

The Natal whites had hitherto adopted a wait-and-watch attitude in regard to introducing fresh anti-Indian measures. Chamberlain's statement threw open the floodgates once more. Emboldened by it, they set about imposing further disabilities on the Indians. After the peremptory warning by the Home Government on the eve of the Boer War (see Chapter VII, p. 217) a halt had been called to further action under the Dealers' Licensing

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Act. This had lasted even after the war while the memory of the war services of the Indians was still fresh. The European Colonists now demanded that even a baker or a butcher should have to take out a licence under the Dealers' Licensing Act. When Gandhiji sought legal opinion on the point, he was told that the Act 18, 1897, governed the issue of both bakers' and butchers' licences and, therefore, the granting or withholding of licences to them fell entirely within the discretion of the Licensing Officer.[61] As the Dealers' Licensing Act had already been accepted by Her Majesty's Government, nothing further could be done about it.

Knowing that the 'Imperial Factor' would not be allowed to stand in their way so long as they adopted the indirect method for achieving their object, the Natal whites next turned their attention to the Civil Services Act. In spite of the handicaps in respect of the educational facilities under which the Indians laboured, a couple of them had passed the Natal Civil Service examination (see *The Early Phase*, pp. 421-22). But how could even the possibility of a coloured person having magisterial powers over the whites be tolerated? According to the Constitution Act, class laws could not be enacted without the assent of Her Majesty.[62] To circumvent it, in November 1901, the Natal Government amended the Natal Civil Service Act by passing Regulation No. 491,[63] which prevented any person who was 'disqualified for acquiring Parliamentary Franchise' from becoming a candidate for admission to the Civil Service.[64] In theory this was not directed against any particular community, but it was clearly meant for the Indians, who had been disfranchised in 1896. This was in fact illegal. No bye-laws could be made under an Act that changed its fundamental principles. Gandhiji was then in Rajkot. "I have seen the Civil Service Act," he wrote on May 6, 1902, "and in it I read no warrant for such a bye-law."[65] But in the circumstances there was no remedy in law against it.

9

The Indian indentured labourers had voluntarily shared the hardships and perils of war with the rest. But after the war their condition grew from bad to worse. Under section 30 of the Indenture Act Law No. 25, 1891, it will be remembered, any indentured Indian immigrant found beyond one mile from the employer's residence without written leave, unless he could prove that he was on his way to lodge a complaint before the Divisional Magistrate or the Protector, was liable to be arrested and sent back to his employer, all charges incurred on this account being deducted from his wages. Anyone who helped him by providing him with food and shelter could be fined £ 10 and subjected to a penalty of eight shillings per day of the labourer's absence from his work. If on enquiry the Magistrate found that the complaint lodged was 'frivolous', a similar deduction could be made, up to

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the maximum limit of half the monthly wage.

So desperate was the condition of the indentured men, however, that even these Draconian penalties failed to deter them. When complaints became too frequent to be convenient, the employers raised the cry that the facility for lodging complaints was being used by their men as a pretext to leave their work. To meet the wishes of the employers the Natal Government introduced a Bill to amend the Indian Immigration Act of 1891. The amended Bill empowered the Governor-in-Council from time to time to alter rules prescribing conditions for Indian immigrants who wished to go to the Protector for the purpose of lodging their complaints,[66] and made lawful for the Protector of Immigrants or, in his absence, the Assistant Protector or any Magistrate to cause any Indian immigrant, as soon as he had made his complaint, to be taken back to his employer by a messenger at the employer's cost in the first instance. It further authorised the employer to deduct a corresponding amount from the wages of the immigrant in question and to get him prosecuted for illegal absence, if the Protector or the Magistrate was of opinion that the complaint made was frivolous or the complaint was not otherwise justified in leaving his employer's premises without permission.

So fear-stricken were the poor labourers, however, that rather than return and face the vindictive fury of their employers who had brutally ill-treated them, they preferred to go to prison again and again. To overcome their reluctance the proposed Bill provided that any Indian immigrant who declined to return to his employer, when so directed, would be deemed guilty of desertion and punished with a fine of 10s. (approximately a month's wages) or imprisonment with hard labour for fourteen days for the first offence and for 30 days for every subsequent offence.[67]

As soon as the Bill was introduced, Gandhiji wrote[68] to the Government that charging a complaint with illegal absence 'when, rightly or wrongly', he fancied he could leave his work with immunity in order to make a complaint, was an infraction of the labourer's right, reserved under the Law No. 25 of 1891, to leave his work for the sake of making a complaint. True, making a complaint was not itself made punishable but who was to judge whether the complaint was 'frivolous' or not? To take a simple instance, to a poor Indian labourer it made all the difference in the world whether he was given by his employer ghee or oil or fat as a part of his scanty rations. An Indian might fancy that he had a wrong to be redressed in that he did not get ghee but was given oil or fat instead. But to a European Magistrate or Protector, who would have only the haziest notion as to the Indian's religious taboos and food habits, the complaint was almost certain to appear as frivolous. "Nonetheless, I hardly think that the frivolity is so great as to turn him (the labourer) from complainant into defendant. I submit that every facility should be given

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to a man who honestly believes that he has a complaint to make it, and this the proposed amendment does not do, unless a legal and a logical mind is to be attributed to an average indentured Indian."[69] The safeguards provided against frivolous complaints were sufficiently severe, Gandhiji urged, even without the addition of the fresh penalty clause. "The deduction of wages is perhaps more painful for an indentured Indian than imprisonment." On the basis of his own experience of the working of the law, he maintained that the manner in which these trials took place did not always favour the complainants. "The Magistrates being unable to wade through a maze of exaggeration, are often obliged to set down complaints 'as vexatious and frivolous' though they may be perfectly true."[70]

By way of remedy Gandhiji suggested an Act to give these complaints preference to be heard before all others to enable the Prosecutor to bring such cases up on the shortest notice and in the meantime, perhaps, compelling other work from such men while away from their estates. This would discourage idleness "without curtailing the liberty of the persons affected or without rendering it next to impossible for them to complain".[71] His proposal was turned down by Mr. C. Bird, Permanent Under Secretary, who on May 29, 1899, wrote back that, if preference were given to the complaints of the Indians, it would occasion dissatisfaction on the part of Europeans and Natives. "The cases in Magistrates' courts are ... taken in order ... The Government is ... in a better position than anyone else to take an impartial view of the matter and it is the desire of the Government to protect the interests of the Europeans and to safeguard those of the Indians."[72]

Joining issue with the P.U.S., Gandhiji pointed out on the following day (May 30, 1899) that objections raised by the employers were sufficiently met by the first two sections of the Bill without the complainant being charged as if he was a deserter in addition to the deduction from his wages of the cost of his return. Whilst there was no allegation of injustice being consciously done either by the Protector or the Magistrate, the circumstances atending the trial of such cases were "necessarily such as not to favour the complainant's case".[73] The Clerk of the Peace always took precedence in the Durban Courts. The complaints of the indentured labour did not fall within the common law and were liable to penalties and risks to which an ordinary complaint was not. That provided sufficient ground for allowing them to take precedence.

Gandhiji's intervention failed. On June 13, the Colonial Secretary finally stated his inability to alter the Indian Immigration Amendment Bill so as to remove the objectionable clauses.

While the Bill was on the anvil, Harry Sparks, member from Durban, introduced a resolution in the Natal Assembly that the immigration of Indians should not be renewed unless the Natal Government could first

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arrange with the Indian Government for the term of indenture to commence and expire in India.[74] Mr. Tatham supported the resolution. The law already in existence, which imposed a £3 tax per annum for violation of such a contract, was useless, he said, as there was no provision in the Act for the punishment of those who did not pay the tax. Until it was made a penal offence for an Indian liable to the tax to evade it, there would never be any guarantee of the tax being imposed.[75]

The Colonial Secretary, however, opposed Mr. Spark's resolution, stating that a labour supply was 'absolutely necessary', and if the resolution were carried the immigration of the Indians would be 'at once stopped'.[76] Harry Escombe urged the mover to withdraw the resolution, saying that the Government of India "refused to allow a criminal process to be exercised for the purpose of forcing back as criminals men who came here at the invitation of the Colony."[77] The motion being put to vote was rejected by a majority of 3 votes—15 being in favour and 18 against. The *Natal Witness* observed that Harry Escombe's objection to "applying criminal processes to those who were not criminals" applied in "much greater degree" to his own Immigration Restriction Act, but thought that the Government of India would withdraw its objection if Natal could explain its position.[78] The *Natal Mercury*, on the other hand, while supporting the stand taken by Mr. Escombe,[79] maintained that for the state of affairs created in Natal the fault was not with the Indian Government, nor with the Indians, but with the Colonists themselves. "We alone are to blame for the difficulties."[80]

The Indian Immigration Amendment Bill being duly passed by the Natal Parliament on July 24, 1899, the Attorney-General issued a statement giving reasons why the Government could not accept the alternative proposal made on behalf of the Indians by Gandhiji. He further stated that in order to meet the objection raised by the Secretary of the Law Department, that the employer's liability was made dependent on the decision of the Protector on the basic complaint which the employer had no opportunity to refute it had been provided that the Protector's or Assistant Protector's decision as to who should pay the cost of the Indian's return should not be given until the complaint had been adjudicated by the Magistrate of the Division in which the Indian's place of service was situated.[81]

On July 28, 1899, the Government of Natal sent to Chamberlain the Bill and the statement made by the Attorney-General, together with the correspondence between Gandhiji and the Colonial Secretary, and the Protector's Report. The Colonial Office passed all the papers on to the India Office for Lord George Hamilton's sanction to the Bill which had been reserved for signification of Her Majesty's pleasure.[82] After one and a half months the India Office wrote back on November 21, that Lord George Hamilton did not like to raise any objections to the Bill being assented to by Her Majesty in view of the fact that the Protector of Immigrants was of

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opinion that the measure was 'necessary' and that its provisions were 'just and fair to the employer and employed'.[83] He, however, suggested that the penalty should be reduced to an obligation to replace the days lost by such absence, with a deduction from wages of any costs incurred by the employer and in sending back the labourer to his service.[84]

Accordingly on December 16, 1899 Chamberlain wrote to the Governor of Natal that the Bill had been given H. M.'s assent to become Act 1 of 1900. At the same time he communicated to the Governor Lord George Hamilton's reasons for sanctioning the measure and his desire that the penalty for absence should be reduced.[85] The Government of Natal paid little attention to Lord George's desire and the Act was promulgated as it stood.

On April 19, 1900 the India Office sent all the papers to the Governor General of India 'for information only'. Mr. Maconochie, Under Secretary to the Government of India, thereupon minuted that there was 'nothing to be done further'. He, however, thought that "it might perhaps be thought well for the Government of India to protest formally" as if the Act were unfairly worked, 'and such things are not unknown in Natal' it would be made much more difficult for the indentured immigrant to lodge justifiable complaints.[86] The Honourable Member of the Executive Council, Mr. C. M. Rivazs, also felt that, as the Secretary of State had already accepted the Bill and H. M.'s assent given, nothing further could be done. Lord Curzon, however, thought otherwise. On June 1, 1900 he queried:

> I had always imagined that we should take advantage of the end of the war, in which Indians have rendered such substantial assistance, to endeavour to place on a new footing the relations of Indian subjects in the Queen's South African Colonies. Is this in contemplation in the Department?[87]

But he, too, agreed that nothing was to be done in the case under consideration.

10

The Viceroy's officials accordingly prepared the draft of a despatch to be addressed to the India Office, as directed. On July 4, 1900 Lord Curzon intimated to Sir Arthur Godley, the Under Secretary of State, that in anticipation of early termination of hostilities in South Africa, he had a despatch drawn up to press upon Her Majesty's Government 'the hard case and just claims' of the British Indian subjects in Natal and the Transvaal, who had been "badly treated in the former and abominably in the latter country". Now that the Transvaal was about to become British territory, he added, it was impossible that these conditions would be allowed to continue.

In their despatch of July 12, the Government of India took up seriatim,

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in regard to Natal, the grievances arising out of the Immigration Restriction Act, the Dealers' Licencing Act and rules for the grant of visitors' and embarkation passes and urged that an endeavour be made to get the Colonial Government to widen the interpretation of 'domicile' in the Immigration Restriction Act so as to include all those who were born and bred in the Colony or were actually resident when that Act was passed or whose families were or had been domiciled there; the £ 10 deposit required from every person availing himself of an embarkation pass, that had been suspended during the progress of hostilities, should be abolished and the right to appeal against the Licensing Board's decisions be given under theD Dealers' Licensing Act.

> We need not disguise the feeling that in essentials it is an Act aimed against the trading enterprise and business capacity of Indians resident in Natal, in the interest of European traders who dislike the competition of their capable neighbours.[88]

Recognising that no action that either the Secretary of State or the Government of India might take could bring about a change in attitude of the European community in Natal towards Indians or "the substitution of sentiments of regard and confidence for the dislike and suspicion" in respect of them which had inspired the policy of the Colony of late years, they suggested that at least the Secretary of State for India should press upon the Colonial Office their view that "the conspicuous loyalty and eminent services of the Indian population in Natal during the war entitle them to just and even generous treatment at the hands of the Colonial Government".

As for the Transvaal, the grievances of the Indian community, they felt, formed part of the larger question of the rights of the Uitlander population; on the termination of hostilities, a most opportune occasion of pressing for a just settlement of that question would arise. They, therefore, requested that the Secretary of State for India should once more bring to the attention of the Secretary of State for the Colonies their expectation that under the Government that might be constituted by H. M. in that part of Africa the Indians' claims would not be overlooked and that their legitimate grievances would be remedied.[89]

Back came Sir Arthur's reply, shorn of all diplomatic frills: "You refer to the case of Indians in Natal", he wrote back on July 27, 1900 with uninhibited cynical frankness of a crusty hard-boiled India Office 'permanent' in a private communication:

> This is a problem that has been with us for a good many years and I am not very hopeful about any improvement. The Colonists in Natal are perfectly determined not to give the Indians the rights which the Government of India think they ought to have; there is

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nothing ... about which they feel so strongly; and the Colonial Office will not, and cannot, press them beyond a certain point.

It was 'vain', under the circumstances, Sir Arthur continued, for the India Office to write strong remonstrations,

> though we have often done it and are prepared to do it again; and I *cannot help feeling that there is a certain amount of unreality and cant about our proceedings*: for if Natives of India showed any inclination to immigrate into this country and to supplant or underbid the small British tradesman or the British working man, *we should behave, I believe, exactly as Natal has behaved.* But in the Transvaal, no doubt, there ought to be a great improvement.[90]

Sir Arthur, however, did address as he had promised, the Colonial Office on the lines of Lord Curzon's representation and the Colonial Office passed it on to the Administrator for the Transvaal where it was quietly pigeonholed. No reply to the Government of India's representation was received for one whole year.

But Lord Curzon was not the one to give up. He persisted and, when not very long afterwards an opportunity presented itself, he returned to the charge with an earnestness that nearly lost him caste with the India Office and all but brought upon him the displeasure of the Cabinet itself.

11

The indenture system of labour had been acknowledged by the Imperial Government to be a 'necessary evil', and by those best acquainted with that form of labour to be 'semi-slavery'. The working of the amended Bill made the position of the men serving under indenture, precarious enough already, still more difficult. A lurid illustration of it was provided by an incident that happened in the following year. On August 24, 1901, two Indian indentured labourers, Ramasamy and Papu, were cutting cane on the Umzento Sugar Estate under the supervision of one Schiffers, an overseer. It was an extraordinarily wet and cold day. The weather prevented the men from doing their work to the best advantage. This annoyed Schiffers, who rushed at Ramasamy, pushed him off a truck and hit him on the head with a bundle of sugar cane felling him to the ground. He then kicked him several times, shouting: 'Get up, Ramasamy', while the poor man lay on the ground unable to get up. Schiffers then went up to Papu, who was working with the same gang, and beat him so that he lay 'on the ground writhing.[91] The assault took place at 3.30 p.m. A chill wind was blowing and it was raining. At 4.30 p.m. Schiffers was informed that the two Indians were lying ill on the field. But it was not till 9 p.m. that anybody was sent to look after them when they were found to be dead.

Schiffers was tried for assault and culpable homicide. At the trial

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Canden, an indentured Indian, corroborating the above facts, deposed that about three weeks before the fatal day he saw the accused assault two other Indians for being absent from duty and one of them, about 40, died about two days after assault. Moonasamy deposed that he was working in the same gang. The accused was in the habit of beating the indentured Indians. Arrumugam, a third indentured Indian on the Estate, said that he saw Ramasamy and Papu beaten up by Schiffers with a "bundle of sugar cane ... on the head ... I did not fall down, but ... I got frightened and ran away. The prisoner was mad with temper."[92] Narain, a fourth indentured Indian, testified that he saw the assault on both the deceased. "The prisoner is a terror to all the Indians on the Estate. He had also assaulted me. I do not know where to go and complain." Palaniandi, a fifth indentured labourer, corroborated the other four. The Acting District Surgeon found 'slight external bruises' and 'all the internal organs healthy'. His opinion was the men died of 'cold and exposure'. Sergeant Blake of the police found many more marks than the surgeon, but thought they were two days old. The Manager of the estate said "the shipment of men which included the two deceased was about the worst the Estate had had for the last six years, the men being weak and ill." This was flagrantly at variance with the finding of the Acting District Surgeon. Curiously enough, the estate doctor, who must have known of their condition, was not called by the defence to testify as to the condition of the men. Another white overseer said, he had been with the accused's gang 'all day' and did not see any assault by the accused on any of the Indians. The Indian witnesses all denied that the European overseer was on the field at all. He himself admitted in the witness box that "it was quite unusual for two white overseers to work together in one part of the field". The accused admitted that he had pushed the two Indians away from the trucks, but claimed that 'though strict he was just'. The jury after a few minutes' deliberation returned with a verdict of 'not guilty' on both counts.

"The verdict of the jury has caused some surprise in legal circles," commented the *Natal Advertiser*. "It is important that the reputation of the Colony for the humane treament of natives should not be impugned ... The acquittal on the culpable homicide charge ... does not tend to reassure one as to the treatment of Indians on the estate."[93]

12

This is how the amended law worked out in practice. The printed form which the Protector of Indian Immigrants addressed to the employers whose labourers had gone to complain was as under:

With reference to the Indian ... No. ... who came to complain

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> on the ... instant, I have to inform you ... that the Indian was NOT JUSTIFIED in coming to me to complain, and you are at liberty to take him before the Magistrate and charge him under section 35, Law 25, 1891, and to deduct the cost of returning him from any wages now due or which may fall due.

This made the official appointed by the Government of Natal to watch over the interests of the Indian labourers not protector but prosecutor, even persecutor of his wards. In terms of Section 2 of Act 1, of 1900, the only information that the law required the Protector to give to the employer was "that the complaint was frivolous and unfounded, or otherwise the Indian immigrant was not justified in leaving the employer's premises without permission". He was not required to give gratuitous legal advice to employers, who were supposed to know the law and who, in any case, could procure legal assistance in the ordinary manner. But here the Protector became the legal adviser of the employer, whilst the poor labourer suffered unaided and unrepresented. Far from affording protection, the Protector had the injured labourer, if he refused to go back to the tyrant from whose tyranny he sought redress, hauled before a Magistrate who, before he could even investigate the man's complaint, was bound to commit him to gaol with hard labour for 'desertion'.

Even this failed to prevent complaints being lodged by the desperate labourers. When these became too frequent to be convenient, the Government issued Rules under which no indentured labourer could go to complain to the Protector, without first obtaining a pass to do so from the Magistrate of his Division, otherwise he was liable to arrest and return to his employer. If the Magistrate, having taken the man's deposition in writing, was satisfied that he had a *prima facie* case, he issued such a pass. If the labourer failed to satisfy the Magistrate and to make good his complaint, he was deemed to have been guilty of 'absence without leave' for which, of course, penalties were provided. For reasons already stated (see *The Early Phase*, p. 523) the Magistrate was very often but too willing to oblige the employer, who might be his neighbour and even a personal friend and whose colonial prejudice he shared.

Ill-treated by his employer, the poor man. when he could endure it no longer, went out to make a complaint. Arrested by a Kaffir policeman, he was taken back to his employer, with what result may well be imagined. If he succeeded in evading the Kaffir policeman and reached the local Magistrate unmolested, he must satisfy that functionary, that he had a *prima facie* case against his employer, in order to obtain a pass authorising him to lodge his complaint before the Protector. If the Magistrate happened to be a friend of the employer, a powerful man in the district, he would refuse to issue the pass and would return the complainant under escort to the employer at the complainant's cost. If from fear or

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ignorance, he failed to go to the Magistrate, and proceeded direct to the Protector, that official would as the first thing demand the pass to make a complaint and, when this was not forthcoming, send him under secort at the man's cost to the Magistrate, who would convict him for breach of the rules in question. But suppose that he had done all that by law he was required to do, and safely reached the Protector's office, the Protector having taken the man's written deposition, and before investigation, would order his return to his employer. Knowing what to expect there, and realising that his complaint was almost certain in these circumstances to be ascribed to causes other than the real ones, he would positively refuse to return. He would then be sent before the Magistrate by the Protector, who would convict him and sentence him for desertion. Even then the man would be returned to his employer at his own expense, with his complaint unredressed, and his last condition rendered even worse than the first.

With all avenues of obtaining redress practically closed to them the only escape for the Indian indentured labourers from their tortured existtence was in death itself. The suicide rate among them rose to an alarming level, which shocked the authorities and roused the indignation even of a section of the Europeans. There was none other than Gandhiji to fight their battles for them.

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CHAPTER XV

BACK TO OLD PASTURES

1

DURING THE final phase of the Boer War, which ended with the signing of the treaty of Vereeniging on May 31, 1902, the British authorities were wholly preoccupied with the exigencies of guerilla warfare. But though the Transvaal was under Military Government, those who had left the Boer Republic on the eve of the war had begun to return and gradually resume their commercial and other activities.

The occupation of Bloemfontein and the Southern portion of the Orange Free State in March 1900 was followed by immediate establishment of a military administration. The finances of the occupied area were taken in hand by Emrys Evans of the Standard Bank, lately British consul, Johannesburg. In the Transvaal Colonel Mackenzie was appointed Military Governor. The general administrative control was retained by Lord Roberts, with Mr. G. V. Fiddes,[1] hitherto Imperial Secretary, to act as his Political Advisor.

As Gandhiji watched the political climate that was building in post-war South Africa, he was disturbed to note that the continued emergency as a consequence of a prolongation of the Boer resistance was being used by the authorities more and more as an excuse for maintaining the *status quo* in the acquired territories and putting off the promised relief in respect of the Indian grievances whose removal was stated to be one of the objects of war. Also, while the argument about the desirability of having uniform laws and regulations in all parts of South Africa was freely used to justify the denial of redress to the Indians in the ex-Republics, the older Colonies were allowed to modify their laws to the detriment of the Indians without any serious objection on the ground of their being self-governing.

On August 2, 1900, Chamberlain outlined his conception of the Government in the two Republics in a despatch to Lord Milner. To make the change to British rule easy to the burghers, he urged that old laws and customs and even old officials should be retained as far as possible. The Transvaal, however, he thought, was a different matter. Considering the vast financial interests involved in the Rand, the past record of the late Republic's administration and the defiant attitude of the Boer leaders, a reconstruction

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of the machinery of Government would be necessary. In the Orange River Colony he envisaged few changes and even looked forward to an earlier grant of self-government.[2] For the Transvaal his formula was that the ex-Republicans must prove their willingness to assist the restoration of peace during a period of Crown Colony rule before acquiring responsible Government. So, while Uitlanders marched into Pretoria to take up under the mere supervision of the military authorities the reins of office dropped by the Kruger Government, arrangements were made for a nominated Legislative Council in the Orange River Colony.[3] This meant practically giving free rein to the Orange River Colony to handle the Indian question as it pleased.

The war had left Lord Salisbury's Conservative-Liberal Coalition Ministry stronger than it had found it and accentuated the Liberal differences. Taking advantage of this, Chamberlain persuaded Lord Salisbury to dissolve Parliament, although it had still two more years to run, and ask the electorate for all-out support to finish the war.[4] At the 'Khaki election', held in October 1900, the Conservatives went to the polls with the cry that a vote given to the Liberals was a vote given to the Boers. The Liberals were routed and the Tories were returned to power once more with 402 seats to 186 for Liberals and Labour. Chamberlain secured ratification of his Crown Colony policy and also a reduction in the number of hated Radical members, who had recently pressed for a renewed enquiry into the Jameson Raid on the strength of letters stolen from the office of the B.S.A. Company's solicitor and published by *L'Independence Belge*. These proved the truth of many old suspicions about the dealings of the Colonial Office with the Rhodes group both before and after that sordid affair.[5]

In Cape Colony the most powerful political organisation was the Afrikaner Bond. J. H. Hofmeyr, its Chief since 1884, had always believed in a Colonial nationalism, shared by Boer and Briton alike. He had never been in favour of an exclusively Bond Ministry. Consequently, although nearly every member of the Bond was an Afrikaner, it had always a fair number of English-speaking allies. But after the Jameson Raid the Bond broke with Rhodes and Imperialism, and the Schreiner Ministry of 1898-1900 was formed on the basis of anti-Imperialism.[6]

Outside the Bond, the Progressives constituted the most powerful party. Formed by Rhodes after the Jameson Raid to oppose his erstwhile colleagues in the Bond, the Progressive party had in the 1898 election polled some 50,000 votes against the Bond's 35,000 mostly rural votes.[7] Yet the Progressives found themselves in a minority of one in the Assembly, and Schreiner formed his Cabinet with Merriman (Treasurer), Richard Solomon (Attorney-General), Sauer (Public Works), Herholdt (Agriculture) and Dr. Thomas Nicholas German te Water (without portfolio). In 1900 Chamberlain

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demanded of the Cape Government that the rebels should be punished. Schreiner, Solomon and Herholdt supported the demand but Merriman, the Nestor among South African statesmen and upholder of the Gladstonian Liberal tradition in the Cape Parliament, Sauer and Dr. te Water opposed it. As a result the Schreiner Ministry fell and Sir Gordon Sprigg formed the Cabinet with Sir James Rose Innes (Attorney-General) and defectors from the Schreiner group.[8] The ministry passed a Treason Act similar to Schreiner's and those found guilty of rebellion were disfranchised for five years. The Cape Parliament was then prorogued, not to meet for two years.[9] Sir Rose Innes later became Chief Justice of the Transvaal Supreme Court and Sir Richard Solomon Agent-General in London after self-government.

In the Cape, as elsewhere in South Africa, white settlers, whether Afrikaners or others, were all steeped in anti-Indian prejudice, but after the Jameson Raid, when the Progressives under Rhodes adopted, in place of "equal rights for all *white* races in South Africa", the motto "equal rights for all *civilised* races in South Africa", which included the Indians and coloured people, Indians felt emotionally closer to the Progressives than to the Bond. In practice it left them with little to choose between the two.

To instance, the Cape Constitution did not discriminate against Indians in the matter of franchise. Indians were entitled to a vote on the common roll with the Europeans, and according to Articles 8 and 10 of the Cape of Good Hope Constitution Ordinance of April 13, 1852, as amended by order in Council of March 11, 1853, and confirmed and made effective on July 1, 1853, the property and income qualification, on which the right of vote was based, was the same for both. Only, Indians were not entitled to stand as candidates themselves. Their franchise was confined to voting for a European candidate. In the same way Indians were permitted to engage in trade and to own fixed property, but indications were not wanting that trouble was ahead. Even as early as 1898, the growing animosity against the Indians had gone so far as to induce the Cape Parliament to pass an Act *authorising* East London Municipality to adopt a bye-law to compel 'Natives and Asiatics' to remove and reside in locations outside the town; to fix hours after which they must carry a pass; to designate special sections in tram cars for their use, and such parts of streets, open spaces and pavements on which they 'may not walk or be'; and finally to name "portions of the rivers and sea where natives and Asiatics may not bathe, and where the clothes may or may not be washed".[10] In the Select Committee on the Bill appointed by the Cape House of Assembly fear was expressed about the possible influx of the Indians who were considered by many "to be inferior even to the natives in their habits, customs and morals".[11]

The Imperial Government did not disallow the Act on the stereotyped ground that it was not strictly a 'discriminatory measure in a racial sense',

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inasmuch as in its final form the law exempted all 'Natives and Asiatics', who were registered owners of land within the limits of the Municipality "valued for municipal purposes at not less than £ 75".[12] The real reason, however, seems to have been the warning conveyed by the Governor, that the Cape "would rather secede from the British Empire than brook any interference with what it considered its domestic affairs".[13]

A bleak prospect faced the Indians. What had happened about a year earlier in Rhodesia, where the whites had been on the rampage against the 'Banyans', (see p. 198) provided a fearful pointer to what might happen anywhere at any time. The Cape Legislature, evenly divided into two parties holding diametrically opposite views—one strongly pro-Afrikaner, the other pro-British—still seemed to be unanimous so far as the Indian question was concerned. Natal had shut its doors almost completely against Indian settlers as free men; it wanted Indians only as labourers. But the Cape did not seem to be prepared to tolerate Indians at all—whether as merchants, clerks or labourers. It wanted to confine them to locations or reserves like the natives. In the course of a debate in the last session of the Cape House of Assembly in September 1900, one of the members, Mr. Cartwright, had suggested that Asiatic labour might be introduced for the use of the farmers under a plan of mandatory repatriation when no longer required. His remarks were received with loud cries of dissent. Mr. Zeitsman wanted a law by which Asiatics would have to get licences to trade. Another member was cheered when he told the House that the farmers did not want Asiatic labour. The Afrikaner Bond, he reminded them, had passed a resolution saying that on no account should they allow this class of immigration to come in. Mr. Sauer had a dig at those who wanted to introduce 'the cheapest labour in the world' to compete against the farmer but opposed its introduction within the municipal areas, 'because it would compete with the shopkeeper'. He concluded with this parting shot: "Lord Salisbury's attitude on the question had been 'Give him votes.' No. Keep the rascals out of the Colony."[14]

The question of Indians living and trading in the Orange Free State did not arise; their fate was sealed in 1890, when they were forced to leave the country bag and baggage without being paid a single penny by way of compensation. After the war the same law continued.[15] (See *The Early Phase*, p. 394).

2

Milner was now the High Commissioner and Governor, having taken charge from Lord Roberts, the temporary Governor of the annexed territories, of the Governorship of Free State and the Transvaal on October 6

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and October 8, 1900. Both he and Chamberlain had denounced the anti-Indian measures of the late Boer Republics as a breach of the Pretoria Convention. Lord Lansdowne and Lord Selborne had publicly declared that the treatment accorded to the Indians by the Boers was one of the causes of the war. A few weeks before the war the British Agent at Pretoria had told Gandhiji not to bother for, if the Transvaal became a Government Colony, all the grievances under which the Indians laboured would be instantly removed. The Indians had, therefore, confidently expected that, at least so far as the Transvaal and the Orange Free State were concerned, none of their grievances which, owing to the independent status of the two ex-Boer Republics, the Colonial Office in the past had declared itself unable to redress, would be allowed to continue for a day under the new regime, which would not have to consider even the sentiments of a self-governing Colony as the Colonial Office had to in the case of Natal. This expectation of theirs was further strengthened, when on November 23, 1900, the President of the Military Tribunal, Johannesburg, notified all sentries, orderlies, and other officials of his court and the court of Chief Magistrate, that all Mohammedans and Hindus entering Courts of Justice were entitled to retain their head-dresses, so long as those head-dresses were worn in their country. A similar notification was issued to the officers of subordinate courts also.[16] Like a drowning man clutching at a straw, the Indians thought that their deliverance was close at hand. Complaints, however, began soon to come through that the handful of Indian residents in Pretoria and Johannesburg, who had been unable to leave the Transvaal owing to the war, were not being allowed to walk on footpaths and that anti-Indian laws of the late Republic were being strictly enforced. A representation in the last week of November to Major O'Meara, Acting Burgomaster, fetched the reply that it was not the intention of the Military authorities to alter the regulations which existed before the British occupation. "The regulations to which you refer were passed by the late Town Council ... I ... suggest that a petition of a similar nature ... be sent to the first Town Council appointed."[17]

King Edward's speech from the Throne on opening of Parliament on February 4, 1901, further deepened the Indians' misgivings. In it he had referred pointedly to "the equality of all the *white* races south of the Zambezi, and a fair treatment of the native races, as the only objects in view at the time of the coming settlement." Before the war it used to be "equal rights for all the *civilised* races in South Africa"[18] The change, if intentional, was ominous.

By the end of February 1901, several of the principal members of the new Transvaal Executive had been assigned to their respective departments. In the Orange River Colony the new civil administration was beginning to take shape. In the Cape measures for coping with rebellion were well ad-

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vanced. The time had come, Milner decided, when he could entrust the Colony to his successor, Sir W. Hely-Hutchinson. Accordingly, on February 28, he left Cape Town to enter on his new domain and on March 15, 1901, moved to 'Sunnyside' on the outskirts of Johannesburg, which he had fixed upon as his headquarters.

On the same day the Supervisor of Indian Immigrants notified the British Indian subjects of the Transvaal that the Military Governor's former decision requiring all 'Asiatics', Hindus and Mohammedans in Pretoria, to reside in the 'Coolie Locations', remained unaltered. As for Asiatic general dealers 'in a big way', their request to reside in the town might be considered but as none of such a class were at the time in Pretoria the order that 'all Asiatics at present in Pretoria' must reside in the Location, must stand.[19]

The Indians were shocked. During the Boer regime orders under Law 3 to remove to the locations had often been issued, but they had never been enforced; and the British Government had not only vehemently protested against them but had actually encouraged and even instigated the Indians under promise of British protection to disregard them.

In their desperation they sent an S.O.S. to the Refugee Committee at Durban. Milner had been the sheet-anchor of their hopes in the past. But the Europeans in the Transvaal were determined under the cover of military rule, not to let the Indian regain a foothold in the post-war Transvaal, and Milner depended too much on their support for the success of his policies; he could not afford to antagonise them. Indians had to be thrown to the wolves.

The most natural course for the British authorities, if they had wished to fulfil to the Indian heart promises made to the Indian ear before the war, would have been to order straight away abrogation of all laws of the Boer Government directed against Indians, which they had condemned in the past. Instead, Milner soon after the annexations appointed a Committee whose terms of reference were to prepare a list of the old laws of the two late Republics which placed restrictions on the liberty of the subjects or were opposed to the spirit of the British Constitution. The anti-Indian laws could clearly have been included in this description. But Milner's object in appointing the Committee was to provide relief to the Britishers at the earliest opportunity, not to redress the grievances of the Indians. He wanted to repeal at the earliest opportunity these laws which directly or indirectly pressed hard upon the Britishers. The Committee submitted its report in a very short time and many acts, large and small, that affected Britishers prejudicially were repealed by a stroke of the pen, as it were. As for the anti-Indian laws, the same Committee prepared a list of them and published them in the form of a book to serve as a handy manual for the use of the administrators.

Had they been general laws, all laws enforced only against the Asiatics

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though not expressly directed against them, would have been repealed along with the rest. Milner's Committee could make a separate list of such laws only as were not general in character. As it was, the anti-Indian laws were racial in character. So Milner's Committee retained them when it abrogated other laws of the two late Republics. The administrators argued that they were helpless; they had no alternative but to enforce them so long as they were not repealed or modified. Unlike the late Boer regime, they began to enforce them with British regularity. "Loopholes, wherever they existed, were carefully closed."[20]

3

On the outbreak of the war, or in anticipation of it, most of the Indians had left the South African Republic for Natal, Cape Colony and the neighbouring territories. Many of them had lost everything they possessed during the hostilities; some had joined the Indian Ambulance Corps, and had by their fine performance exhorted unstinted praise from all concerned; others had sacrificed in a variety of ways to help the British war effort. Indian traders had contributed liberally to the war fund. They all now looked forward to being able to return to the Transvaal and resume their vocations, untrammelled by the oppressive disabilities under which they had laboured under the late Boer regime. Before the war any Indian could enter or leave the Transvaal without any hindrance. After the war anyone who wished to enter had to obtain a permit from the military authorities. This applied to all—Indians and Europeans alike. During the war large parts of the Transvaal and the Orange Free State had been denuded of the means of supporting life. If large numbers of refugees had returned to the Transvaal all at once, there would not have been sufficient food and clothing to go round and, if the permit system had been worked in a fair and impartial manner strictly to regulate the influx of the refugees, there would have been nothing to be said against it. In practice, however, it was used by the authorities as an anti-Indian measure to prevent the entry even of the Indian refugees into the Transvaal.

Shortly after the British occupation of what was thereafter known as the Transvaal, British refugees began to be repatriated in carefully restricted numbers on permits issued by the military authorities. In the period immediately following the annexation of the ex-Republics the services rendered by the Indian Ambulance Corps in Natal were on everybody's lips; the memory of Prabhu Singh's heroic exploit was still fresh; General Buller's despatches, praising the work of the Corps, had just been published; and the administration was in the hands of the military officers who knew the Indians. The Permit Officers, not trained in the politics of colour prejudice,

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made no distinction between the Indians and the Europeans and the procedure for taking out permits was the same for both. In consequence, during the first few weeks after the annexation, when the first batch of refugees who were waiting at the ports arrived, they had no difficulty in entering the country. Their arrival filled the white civilian population with alarm, and they began to call for the restriction of the return even of the refugees, with the result that soon after, while the Europeans could get the permits for the asking, the Indians found it next to impossible to obtain them (see p. 362).

Taken aback, the leaders of the Indian community approached the Chief Secretary of Permits to the High Commissioner who, after much ado, promised to issue 4 permits for Natal and 2 for Cape Colony.[21] But nothing followed. After waiting in vain for nearly four weeks, therefore, on March 24, 1901 the Indian refugees in Natal held several large meetings. At these meetings resolutions were passed reiterating the request for the immediate issuing of the permits, as promised, to at least four persons nominated by the Indian community. They were Abdul Gani of Mohammed Cassim Camroodeen & Co., M. S. Koovadia of Johannesburg, Haji Habib Dada of Pretoria and Abdul Rahman of Potchesfstroom, theirs being the largest interest at stake. If permits could not be granted to all the four approved representatives, it was prayed that Abdul Gani should be the first to go.[22]

Next day a telegram to that effect was sent by Gandhiji to the Permit Secretary at Cape Town. Another wire was simultaneously sent to the High Commissioner at Johannesburg saying that some Indians who were in Pretoria and Johannesburg had written to the Refugee Committee that they had received a notice to remove to Locations, that they were not allowed to walk on footpaths and that generally anti-Indian laws of the late Republics were being 'strictly enforced'. Inasmuch as in the past, the telegram went on to say, His Majesty's Government had publicly stated that such laws were objectionable and had further told them that they would endeavour to have them repealed, pending final settlement relief might be granted to Indians.

No reply being received to these wires, on April 16, 1901 Gandhiji sent cables to Dadabhai Naoroji, Sir Muncherjee Bhownaggree and others, requesting them to get justice done to the Indian traders who wished to return to their business in the Transvaal.[23] In a circular letter to the friends of India in England on April 20, 1901, he wrote: "If the present regime is any test of the future, then, indeed, the question has been solved for us to the horror of every Indian in South Africa."[24] Referring to the British pronouncements made before the war in regard to the grievances of the British Indian subjects in South Africa, he asked: "Is, then, the very evil to remove which, ... the war has been entered upon, to be continued under the very shadow of the British flag?" Previously Chamberlain had sym-

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pathised with the Indians but had pleaded his helplessness to provide them redress. Now that everything was in Chamberlain's power, were they to be left under all the disabilities which so roused his indignation?

> The question is most serious. ... Labouring under the oppressive yoke, we feel too exhausted to make an effort ourselves. We can only cry out in anguish. It is for you to help us to be free from the grievous burden. We have done ... everything to deserve better treatment.[25]

A copy of this memorandum was sent also to the Secretary of State for the Colonies.

A week after this on April 27, Gandhiji again wrote to the same parties, protesting that while hundreds of Europeans had already returned to the Transvaal and the list of Europeans, both men and women, who were receiving permits to go there was day by day swelling, eight months after the civilians had been permitted to return, when all but Indian shops in Johannesburg had opened, not one permit had been granted to the Indian refugees. Representations made to Lord Roberts, when he was in South Africa, and to the High Commission had proved of no avail. "H.T. Ommanney (retired I.C.S.) who has been appointed Permit Secretary to the High Commissioner has been endeavouring to secure some for us, and last month even went so far as to telegraph for one representative merchant's name for Durban, the other being from Cape Town. A name was there and then submitted to him under protest that one permit was almost useless, but even that has not been granted."[26] Further communications in the same vein, addressed on May 21 and June 21, 1901, to the Permit Secretary proved equally unavailing. On August 26, the *Natal Mercury*, referring to the issuing of 300 extra permits for the immediate return of the refugees to the Transvaal, hailed it as a sign that "the country is becoming more and more settled and that a general return will not be delayed any longer ..."[27] All these permits, however, it seems, were for Europeans only. The repatriation of 'Asiatics' after the first abortive start, did not commence till September, 1901.[28]

Gandhiji also addressed an urgent appeal to the Hon'ble R.J.C. Lord (Government of Bombay) to suggest that some action might be taken in ths various Legislative Councils in India and failing that in the Viceregal Council. Now that in Lord Curzon they had a strong and sympathetic Viceroy, there was no reason, he felt, why this question could not be decided honourably, if only it was sufficiently brought to His Excellency's notice.[29] With this he enclosed a copy of a memorial on the lines of the circular letter of April 20, 1901.[30] The Bombay Government forwarded the Indian memorial with Gandhiji's letter to the Government of India.[31] In a noting, dated June 28, 1901, Mr. Arbuthnot thereupon suggested that it might strengthen the representation made by them on the Indians' behalf in the previous year

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if the memorial they had received was sent to the Secretary of State in continuation of their Despatch No. 36 of July 12, 1900. He further suggested that as "Mr. Gandhi may not be aware of the action already taken by the Government of India to obtain redress for the Indians in South Africa", he might be informed through the Bombay Government of what they had done.[32] The Government of India accordingly transmitted the papers received from the Bombay Government to the India Office,[33] and the India Office wrote to the Secretary of State for the Colonies, expressing full concurrence with the view set forth in Government of India's representation.[34] On September 20, the India Office informed the Government of India that their representation had been brought to the notice of the Colonial Office, but "owing to the present disturbed state of the country" it was not possible "to say anything more than was said in the Colonial Office's letter of 30th August last."[35]

A similar appeal by Gandhiji to D. Wacha, who had only a little while back been elected President of the Bombay Corporation, fetched the depressing reply, notwithstanding the praise showered on Gandhiji personally: "We are not forgetting you but ... you know well the present temper and colour of English politics ... Our honoured friends are doing their very best and it is in London more or less you have to fight your cause. But you are a host in yourself and a born leader."[36]

And there the matter rested for the time being. Gandhiji's communications, however, aroused Lord Curzon. Dug up by his officials in the following year, they provided ready ammunition to that proud proconsul in his battle for prestige against the Natal authorities and later against his brother Imperialist—Lord Milner.[37]

While this correspondence was in progress, in reply to a question by Mr. Caine in Parliament on April 25, 1901 Chamberlain announced that the legislation of the South African Republic would 'so far as possible' be adopted by the Imperial Government, thus throwing cold water on the Indian hopes of early automatic relief. Asked whether he was aware that no permits were being granted to Indians to return from Natal to the Transvaal and whether he would make enquiries why they were being discriminated against, Chamberlain replied that he had telegraphed to Milner for information in regard to the matter.[38]

Going to the heart of the matter, *India* commented that, if the oppressive laws against Indians were revived or if there was discrimination against the Indians as compared with other civilised inhabitants, it would be an encouragement to the Colonials in Natal to maintain the odious laws that still existed there, and to those in the Cape to imitate them in restrictive legislation. On the other hand, if the Home Government were determined that all old regulations of which the Indians complained should be swept away

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for ever, its effect would inevitably be felt far beyond the Transvaal border.[39]

4

For a while the Indians clung to the hope that the words 'so far as possible' in Chamberlain's pronouncement of April 25, 1901 would exclude anti-Indian legislation. In this they were sorely disappointed. While their friends in England were clamouring for facilities for the return of the Indians from Natal to the Transvaal, Milner's officials in South Africa were elaborating plans to prevent their entry into the newly conquered territory. A notice appeared in the Johannesburg Gazette of May 8, under the date May 6, 1901, informing the Indians that a separate Indian Immigration Office had been opened at the Native Pass Office, Market Street, to deal solely with all Asiatics, and this office would thereafter deal with the issuing of gratuitous residential passes and licences to "those Asiatics and Mohammedan subjects of the Turkish Dominion who may now or hereafter reside in Johannesburg". All of those who were in possession of Commissioners' passes were required to present themselves on or before May 16, 1901 at the office of the Supervisor of the Indian Immigrants to surrender the District residential passes already in their possession, and obtain a fresh gratuitous pass in exchange for the old. All matters relating to the aforesaid population of Johannesburg, it was further notified, would in future be dealt with by the Office of the Supervisor of Indian Immigrants.[40] This was the precursor of the notorious Asiatic Department about which we shall hear more hereafter.

Shocked by the order to surrender their residential passes and licences and obtain fresh ones, the Indians on May 9, 1901 submitted a petition to the Military Governor, Col. Colin Mackenzie,[41] and another to the High Commissioner on the following day, signed by Osman Hajee Abdul Lateef and 139 others. An identical petition was made also to the High Commissioner. F. A. Gillam, Supervisor of Indian Immigrants, thereupon submitted a note to the Private Secretary to the Legal Advisor to the Transvaal Administration which was laced, among other things, with the following: "I would point out that I do not think that this petition need be taken in a very serious light ... Mohammedans ... are a race who for the slightest grievance ... see their way to petition the higher authorities."[42]

The Secretary to the High Commissioner passed on the Indian petition with F. A. Gillam's remarks to E. J. Burgess, Supervisor of Indian Immigrants, Johannesburg, who reported as follows: "The petition is the work of one Mr. Hajee Abdool Lateef, the first signatory. I have learnt from an influential and respected member of the Indian community that O. H. A. Lateef, for his own gain, instigated a meeting to appeal against the Indian

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Immigration Office, and invited subscriptions of six shillings a month from each member. After pocketing the money, O.H.A. Lateef is the first of the memorialists to provide himself with a pass from the Supervisor of Indian Immigrants, which action ... affords abundant proof that the petition was formulated simply for gain." He had also received, Burgess added, an 'anonymous petition' from an Indian in which the writer had warned him against O. H. A. Lateef whom he characterised as 'an agitator and an insincere man'.[43]

Burgess saw no reason why the Indians should be dissatisfied. Under the Military regulations everybody was required to take out a permit. Previously they had to pay for a pass two shillings and six pence. The Supervisor had now issued the passes free. Why should they object to exchanging the previously held permit for a free pass? The Indians had expressed a wish to deal with the Imperial authorities direct, Burgess went on. Their prayer had been granted. "Until recently they could recognise no officer to represent them. They have one now."[44] He had interviewed O. H. A. Lateef and other leading Indians, concluded Burgess, and undertaken to guarantee that "men of 'known respectability' would not be called upon to reside in a location".

What was sedulously suppressed was that the Military permits which the Indians previously held had already been paid for and the issuing of free passes therefore conferred no benefit on them. Besides, while the Military regulations required everybody to take out a permit, Indians alone had been called upon to surrender their permits and exchange them for passes. The distinction thus introduced between Indians and the Europeans opened the way for progressive erosion of the Indians' rights as British subjects to which they were entitled in the same measure as the Europeans.

On June 27, Mr. G. V. Fiddes, Secretary to the Transvaal Administration, informed Osman Haji Lateef that the High Commissioner was of the opinion that the creation of the Indian Immigration Office was 'a benefit rather than otherwise' to those concerned and he "did not propose to take any action in this matter".[45]

Before the war, it will be remembered, under Law 3 of 1885 as amended in 1886, Indians in the Transvaal were required to take out a registration ticket by paying a poll-tax of £3 as entrance fee, which rendered them immune for all time from any interference in the exercise of their rights guaranteed under the S.A.R.'s Constitution. Nevertheless, after the war they had, as advised by Lord Roberts, got themselves registered at the office of their District Commissioner. Lord Roberts had promised that as soon as the Civil Administration was in working order, their grievances would be investigated and remedied. The Indians had asked for bread, they got stones instead. Not only was a distinction made for the first time between

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Indians and the Europeans, though they were all British subjects, but the right that the Indians had hitherto enjoyed of dealing directly with His Imperial Majesty's authorities, was also taken away. Hereafter they would be left to the tender mercies of the officials of the newly created Indian Immigration Office, of which the Supervisor of the Indian Immigrants had given them a foretaste.

5

The same mail that brought the foregoing papers from the India Office also brought papers relating to the grievances of the Pretoria Indians about which Gandhiji had wired to Milner on March 25, 1901. In putting up the file to the Viceroy his officials minuted: "It is satisfactory to observe that meanwhile an Emigration Office had been opened in Johannesburg and Pretoria for the protection of Indian Immigrants."[46]

This is how the newly established Indian Immigration Office, which the Government of India officials found so comforting, 'protected' its wards.

Early in November 1900 an office of Supervisor of Indian immigrants had been established at Pretoria with F.A. Gillam as the Officer-in-charge. The Asiatic population of Pretoria had never been big, and when the Indian Immigration office was established it was only half of what it used to be in normal times. Fifty per cent of them were at this time living in the town while not more than 25 per cent were living in a location set apart for them by the late Republic. Of the total population 80 per cent were Hindus and 20 per cent Mohammedans. In the beginning of January 1901 Gillam approached the Military Governor to sanction the removal of the Indians 'with the exception of those of known respectability', into a location. Craftily he inserted in a parenthesis the following: "the defining of such people to be left to the discretion of this office". Lord Kitchener with a soldier's contempt for legalities and considerations of abstract justice, nonchalantly gave the sanction asked for with the concurrence of the High Commissioner, who made it subject to the condition that 'no hardships were unduly imposed upon them'.

While the Indians were petitioning the Military authorities and Gandhiji was appealing to Milner to intervene on behalf of the Indians, the Supervisor of the Indian Immigrants pushed ahead with the execution of his plan, and on April 2 was able to report that all 'Asiatics' of Pretoria, 'with the exception of four of known respectability' and 'servants in the employ of Europeans' had been confined to the locations. The four exceptions included the high-priest and another who were permitted to reside in the local mosque. The Indians, Gillam reported to his superiors, were "not only quite content and were in no way giving any trouble, but petitioning had

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long since ceased".

When first the news was imparted to the Asiatics, reported Gillam, in a confidential report to the Secretary to the Transvaal Administration, they were 'naturally concerned' and petitioned to the Military Governor two or three times that they be allowed to remain where they were, but

> this of course was exclusively the work of a few of more influential and leading members of the community who when they discovered the move in no way affected them, and in future would in no way do so, ceased to stir up discontent among the *lower classes who,* after all, as everyone who knows the race will admit, *are somewhat like sheep, and only want one to lead the way for the rest to follow*[47].

On his own telling this official did not scruple to set out deliberately to sow division between Muslims and Hindus and between the rich and the poorer sections of the Indians. Here is the story in his own words: "In an interview that I had with some of the more respectable Mohammedans I asked them whether if the lower class Hindus were allowed to live in the town they would be content if these poorer classes took up their abode on the very border of their premises and kept fowls and pigs and lived in the insanitary way they were wont to do, to which they replied 'certainly not'. I then pointed out to them that the Europeans were of the same opinion as they." Hiding his real motive, he cunningly suggested to the "more respectable and influential" of the "lower and poorer classes" that by residing in a location they would be able "to rent land with a view to opening stores at a monthly rental of seven shillings and six pence", in close proximity of the Kaffir location "which has few shops in it" and they would be able to trade with the Kaffirs. "But at the same time I did not say that they would not be permitted to trade in the town."[48] Finally, supplementing cajolery with threats, he darkly hinted that should an infectious disease break out, the first thing it would be attributed to would be the Asiatics, with the result that "through their lower classes having resided in the town it would very likely mean their suffering to the extent of having to quit the country more than prosperous to them, all through those in whom they have no interest, and with whom they never associate."[49]

"I am perfectly aware", concluded this Supervisor of Indian Immigrants, "that we are enforcing, to a certain extent, that which we protested so strongly against the late Government enforcing, although we did concede finally to the confining to locations residentially, but nevertheless, no matter how many Asiatics came into Pretoria, I can see no reason why, without any discontent, the town should not be kept free of them." It would be 'a pity', he added, "if what is so easy to keep is not kept up".[50]

For this he received high praise from Lord Kitchener, who on June 28, 1901 sent all papers relating to the locationing of the Pretoria Indians and

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the Indian Petition of May 10, 1901 against the setting up of a separate Immigration Office at Johannesburg to the Secretary of State for the Colonies with the remark: "In my opinion Mr. Gillam deserves credit for the tactful manner in which he has dealt with the question."

6

In the absence of any organised committee to deal exclusively with the question of grievances of the Indian emigrants, there was very little chance of anything substantial being done for them in India, but Gandhiji thought that a combined powerful representation to the India Office from the East India Association and the British Committee of the Indian National Congress could well take its place. Accordingly on May 18, 1901 he addressed letters to these bodies, suggesting that a deputation consisting, among others, of Sir Lepel Griffin, Dadabhai Naoroji, Sir William Wedderburn, Sir Muncherjee, Messrs Romesh Dutt, Parameshvaram Pillay and Gust, might wait on Sir Alfred Milner, if not on Chamberlain. "From the conversation I used to have with Lords Northbrook and Reay, I am inclined to think that, if either of them were approached, he would lead the deputation."[51]

Hardly had this letter been despatched when matters were unwittingly precipitated by Sir Muncherjee Bhownaggree, who asked in the House of Commons in the following week, whether with the British occupation of the Transvaal and the Orange Free State the various regulations by which the Boer Administration had sought to impose disabilities on British Indian subjects residing in that region were invalidated and if not, having regard to the fact that such regulations were in breach of the Pretoria Convention, would the administrations in these colonies be authorised to publicly declare that all such regulations would cease to be in force from the date of their passing under British Administration. In reply Chamberlain stated that the legislation of the late Government of the South African Republics "would remain in force until modified".[52] As for the changes in the existing regulations, he would discuss the matter with Milner, now that he had arrived. Feeling the need to secure the approval not only of Chamberlain and the Government but also of the moderate section of the liberal opposition for his policies, Milner had applied for leave and sailed from Cape Town for England on May 8, 1901. On the 24th he reached London, where he was met by Lord Salisbury and Chamberlain on his arrival and conducted straight to the King, who made him a Baron and a Privy Councillor. On August 10, he left England and arrived in Johannesburg three weeks later.

Gandhiji felt that their friends in England had made a bad tactical mistake in ventilating the matter in Parliament when they were not sure of Chamberlain's response. An unsympathetic reply from the Colonial Secretary

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in the House of Commons, such as the one cabled by Reuter, could not but encourage further opposition to the Indians in South Africa. The impression created by it, he wrote in a letter to the British Indian Committee, was that Chamberlain would "yield to popular clamour and give up the Indians entirely". He had not even said that the anti-Indian laws would not be enforced in practice as they were not under the old regime. That made the position of the Indians worse than before.[53] In future, Gandhiji suggested, such matters should rather be dealt with by a letter to Chamberlain or in a personal interview with him. In another letter Gandhiji suggested to Dadabhai Naoroji and the British Committee of the Indian National Congress joint action for permits, after careful planning and full deliberation by all concerned. "A large measure of success would be attained if a small committee of persons representing all shades of opinion were formed and a concerted move were always made."[54] To Sir Muncherjee he wrote: "May I ask you not to mar the sterling work you are doing there by precipitating a hot debate unless you are sure of success."[55]

In the meantime Sir Muncherjee, on receiving the Indian wire of April 16, 1901 in regard to the permits, wrote to Chamberlain, who in his turn wrote to the High Commissioner, asking for an explanation. He was advised that the cable as to permits was misleading. It was insinuated that what stood in the way of the Indians' returning to the Transvaal was probably the notification of October 13, 1900 by F. W. Morris, Commandant, Johannesburg. In that notice the Commandant had warned that all refugees about to return who were British subjects must be prepared to serve in the Town Guard for the defence of the place to which they might return and to defer their return for the time being if they were unwilling to be enrolled. It was a device to which the authorities had recourse in order to allow white men to return and to remain in the Transvaal on the ground of their quasi-military status after the annexation while the war was still being waged. As soon as Gandhiji came to know of it, he joined issue with Chamberlain's informants and in a letter to Sir Muncherjee nailed down both the misstatement and the insinuation. "I still affirm that the cablegram is correct ... I went over yesterday myself to see the Secretary of the Uitlander Committee and he told me emphatically that most of the shops are open and that the requirement that the men should join the Rand Rifles is more or less a formality."[56] The Indians being debarred from serving in the armed forces, the Commandant's notification could not apply to them. To use a grievance that called for redress as an excuse for laying a fresh disability on the victims was to add insult to injury. If they did not want Indians to join the Rand Rifles, they should at least not use it as an argument against the Indians to bar their return.

On July 10, Sir Muncherjee again wrote to Chamberlain about the dis-

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abilities of British Indians in the Transvaal and the Orange River Colony. Enclosing a copy of Gandhiji's circular letter of April 20, 1901, he expressed his shocked surprise that, instead of being allowed to fall into disuse pending their withdrawal, all the anti-Indian legislation of the late Republic which was 'utterly repugnant to the spirit of British Constitution' was being unearthed and applied to the victims with 'strict British regularity'. The following week he gave notice of a question in the House of Commons. On July 18, Chamberlain, replying to his question in Parliament, stated that "the question had been reserved for consideration till after Lord Milner's return to South Africa".

But he felt uneasy. On July 26, in his despatch No. 177 transmitting Bhownaggree's letter of July 10, 1901 to the Administrator of the Transvaal, he wrote that notwithstanding the reply that he had given to Sir Muncherjee Bhownaggree's question in Parliament, he had to request that "you will inform me what foundation there is for the allegations of harsh treatment contained in the enclosed representation".[57] This despatch was pigeonholed by Lord Milner's officials and remained unanswered for several months.

Highly vexatious as all this was to the Indians, they still had not lost faith in Milner. On his return they presented him an address in which they congratulated him on his elevation to the peerage and reaffirmed their faith that the cause of the Indian settlers in the new Colonies could not 'possibly be in better hands'.[58] They reassured themselves that as soon as the Military Administration was replaced by Civil rule, on the conclusion of a treaty of peace with the Boers, Milner would not fail to do what he had promised and championed so vigorously in the past. Nor were they alone in entertaining that hope. The officials of the Government of India, too, had in a note prepared at the instance of Lord Curzon, the Viceroy, recorded: "As to the Transvaal ... we trust the special grievances under which Indians laboured in the time of the Transvaal Republic will be remedied under the Government which may be constituted by Her Majesty in that part of Africa."[59]

7

Gandhiji had now given to South Africa six years instead of one month as he had originally intended. He had not come there to settle for good. To serve India had always been his dream. His stay in South Africa had taught him to make service instead of self-interest the goal of his activities. He was afraid that if he stayed there longer, money-making might become his main activity. He yearned to return home to practise on a wider field what he had learned in South Africa. Besides he had to consider the future

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of his children, whom he wished to train for public work. He could not provide them in a colour-ridden Colony the sort of education he wished them to have.

The Indian community had come of age politically. The old era had ended and they had entered on the threshold of the new. When he arrived, there was not a single Indian barrister in South Africa. Now they had Khan. Besides, Mansukhlal Nazar was there to help them in Congress work. Several Colonial-born Indians also had in the interval returned from England as barristers. The outline of the programme of work before them was fairly fixed. He had shown them what they had to do and how. But ultimately they had to work out their salvation themselves. The British had won the war, though guerilla warfare still continued. Gandhiji had no doubt that as soon as peace returned the British Government would fulfil its pledges. His work in South Africa had reached a stage when he could very well take leave.

His friends and relations at home also had been pressing him to return. But, when he placed these considerations before his South African friends and asked them to relieve him, they felt reluctant. It was not easy to snap the bond of affection that held him to them. With difficulty they permitted him to return but only on condition that if within a year the community should need him he should be ready to return. He accepted the condition and got their permission to go.

As the time of Gandhiji's departure from South Africa drew near, cracks began to show in the solidarity of the Indian community. On August 13, 1901 an address was to be presented to the Duke and Duchess of Cornwall and York, who had arrived in Port Natal by the Royal yacht, *Ophir*.[60] The address was signed by about sixty Indians. A section of the Indians felt dissatisfied with the way in which the representatives had been chosen for the presentation of the address. Owing to dissensions, the Natal Indian Congress had of late lost in prestige. The rift between the Muslims and the Colonial-born Indian Christians had not been completely bridged. On August 18 a meeting was held in St. Aiden Boys' Schoolroom by the dissidents with Mr. J. Z. Roberts as the convener to consider the advisability of forming a 'Durban Indians' Progressive League', in view of "Mr. Gandhi's near departure, the inability of the Congress to represent us fully, and the Congress acting in direct opposition to our wishes on various occasions". Gandhiji did not approve of the move, but yielding to their affection he agreed to chair their meeting if only to wean them from their error. As a result of his intervention an amendment, that the meeting should be adjourned, was proposed by a section of the gathering and was carried by a large majority.

At another protest meeting held by the same group a few days later

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in the Congress Hall, again with Gandhiji in the chair, however, resolutions were passed to express dissatisfaction with the conduct of the Natal Indian Congress.[61] Gandhiji was loath to release the resolutions to the Press, as they bristled with numerous material inaccuracies. But, as the spokesman of the dissidents, he agreed to do so when they pressed for it, making it perfectly clear in the covering note to the editor of the *Natal Mercury* that, chairman though he was of the meeting, he was not at all in sympathy with those resolutions. "But realising that ventilation in the Press of grievances, fancied or real, is the best safety-valve, I forward them, to be used as you may think fit."[62]

This was not the first or the last time that even those who differed from Gandhiji wanted him to act as their spokesman—and he agreed to do so.

An incident in connection with this visit of the Duke and Duchess of Cornwall narrated by James W. Godfrey, who was at this time working as Gandhiji's clerk, is worth recording as illustrative of Gandhiji's mood and of his method of training his workers. A roll of calico had to be delivered to a workman who was decorating the place where the function for the presentation of the address to the Royal visitors was to be held. Gandhiji asked Godfrey to deliver it. This would have meant carrying it, unwrapped as it was, for at least one mile through the centre of Durban. Godfrey hesitated and asked Gandhiji to give him six pence to take it in a rickshaw. What followed is best described in Godfrey's own words:

> Mr. Gandhi asked me to wait for a little, finished his work, then took up the bundle and asked me to accompany him. ... He carried the ... bundle all the way, delivered it ... and we walked back together to the office. He then asked me if he was the same Gandhi who had left the office with the bundle of calico and returned walking. I said, 'Yes'. He next asked if I could prove he had lost in honour or dignity by his action. I said 'No', and he replied, 'James, remember there is a dignity in labour well performed.' I had learnt my lesson of humility.[63]

On another occasion the takings in the office showed a shortage of 10 s. Godfrey had done the banking that day. Gandhiji sent for him and held him responsible for the loss.

> I replied that I was not at fault. He went carefully over all the accounts and found that the book keeper had made a mistake, apologised profusely to me and punished himself by starving himself for three days. He said he had done me a grave wrong and had to punish himself. He was most careful always to avoid hurting or causing offence to any one even unconsciously.[64]

8

On the eve of his departure the Natal Indian community overwhelmed

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Gandhiji with their affection. At 3.30 in the afternoon of October 12, 1901 Parsi Rustomji gave in his honour a party to about 100 guests at his residence. The front of the building was luxuriously prepared for the reception of the guests, the table was sumptuously laid in European style, and no pains or expense were spared to make the party "the grandest ever attempted or achieved by an Indian". The walls were hung with tapestry and there were flowers in profusion. A band provided music for the guests. Osman Ahmed's singing of solos and playing on the guitar and other instruments added to the evening's entertainment. After the guests had done justice to the rich repast, Parsi Rustomji in a few appropriate words bade farewell to Gandhiji, who had been "a friend and guide to every Indian in the Colony". He then put a gold necklace round Gandhiji's neck and presented him with a valuable gold locket and a large gold medal suitably inscribed. Gandhiji received the honours standing. The children of the guests of the evening also were presented with gold medals. It was 10 o'clock when the guests departed with Osman Ahmed playing 'God save the King'.[65]

Three days later Gandhiji was given a public farewell at the Natal Indian Congress Hall. Outside, in Grey Street, the verandah was gaily decorated. The passage leading to the Congress Hall was carpeted and hung with Chinese lanterns. The staircase was garlanded, and the ceiling of the Hall heavily festooned with loops of bunting of varicoloured paper. The windows were framed with evergreens. The swinging Chinese lanterns lent an exotic glamour to the scene. Among those present were Messrs H. Aucketill (M.L.A.), J. R. Collins (Deputy Mayor), H. Koch (Resident Magistrate), J. Stuart (Assistant Resident Magistrate) and Gandhiji's friend and brother-in-profession F.A. Laughton. Letters of regret for their inability to be present were received from Sir A. Hime, Premier; Sir John Robinson; Hon. C. J. Smyth, the Colonial Secretary; Justices Finnemore, Mason, Beaumont and Broome and many others.[66] Sir John Robinson, who, as the first Prime Minister of self-governing Natal, in a memorable skirmish of the pen with Gandhiji at the time of the Franchise Amendment Bill of 1897, had described the Indian Natal Congress as a 'secret organisation', wrote:

> It would have given me great pleasure to have been present on the occasion of so well-earned a mark of respect to our able and distinguished fellow-citizen, Mr. Gandhi, but unfortunately my state of health prevents my going out at night, and I am for the present debarred from taking part in any public function, so I must ask you to kindly excuse my inability to attend.
>
> Not the less heartily do I wish all success to this public recognition of the good work done and the many services rendered to the community by Mr. Gandhi.[67]

Mr. Laughton said that it was a matter of wonderment to him that Gandhiji was going "at this time as he had a prominent position at the Bar

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and a great influence over the Indian community". He would always be ready, he concluded amid applause, 'to welcome Mr. Gandhi's return'.

Mr. Koch hoped that "Mr. Gandhi's leave would only be temporary". He wished they had "a thousand Gandhis appearing before the Bar".[88] After Mr. Ellis Brown and the Rev. H. E. Smith, successor to Dr. Booth, had added their eulogistic testimony to Gandhiji's work, the Indian community presented an address in which, while expressing its gratitude for his 'untiring labours' and 'unexampled self-sacrifice', it hoped that "after discharging the domestic duties that necessitate your going to India you will decide to cast your lot with us again".

Replying to the address, Gandhiji said that seven or eight years ago they had embarked on a certain principle, and he accepted the gifts as an earnest that they would continue on the lines on which they had embarked. The Natal Congress had worked to bring about better understanding between European and Indian Colonists. They had progressed in that, if only a little way. What was wanted in South Africa was "not a white brotherhood, but an Imperial brotherhood". They, the Indians, were out to show that they were an acceptable section of the community and, if they continued as they had started, they would "know each other better when the mists have rolled away"—a line from a Christian hymn which we shall hear from his lips on many a great occasion in the years to follow.

He then spoke a few words to the Indians in the mother tongue. The *Natal Advertiser* commented: "Seldom, if ever, has the Indian Congress Hall, Grey Street, been the scene of such enthusiasm."[69] Quoting Mr. Aucketill, M. L. A., the journal remarked that during the past week Gandhiji had been 'apotheosized'. Much as he had done for his countrymen, it added, his services to the Colony and the civic life of Durban were by no means less significant. "Town Councillors will miss him, as it was not an uncommon occurrence for them to find that by simply mentioning some grievance [that] they had against the Indians to him the matter would be remedied without further trouble." It concluded: "Now it seems a pity after all these years Mr. Gandhi, who is a mediator, should leave Durban with the possibility of not returning."[70] Giving its estimate of Gandhiji editorially, the *Natal Mercury* wrote:

> Mr. Gandhi has won the position he holds today, especially among the European community, by sheer merit and ability. He has proved himself a gentleman in word and deed, and in his profession he has won the respect of both Bench and Bar as much by his legal attainments as by his high principles of conduct. ... He will certainly be missed, and we can only hope that should he elect not to return to Natal, he will meet in India with the success his abilities as a lawyer and his excellent parts as a gentleman deserve.[71]

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The Natal Indian Congress regretfully accepted Gandhiji's resignation as its Honorary Secretary and passed resolutions recording the profound sense of gratitude it entertained for the invaluable service he had so untiringly rendered. October 20 was fixed for his departure.

9

The evening Gandhiji was presented with the bulk of the gifts, he had a sleepless night. His friends had loaded him with gifts. In 1896, also, the farewell had been overwhelming. What right had he to accept these gifts, he asked himself. Accepting them, how could be persuade himself that he was serving his people without remuneration? "I walked up and down my room deeply agitated, but could find no solution."

To refine his practice of truth, as he saw it, in his ceaseless quest after a religious life, had become a passion with Gandhiji. Could he accept gifts for his public activity, which was undertaken purely in a spirit of service? And what example would he be setting for his children, whom he was trying to train to a life of service, which is its own reward? And what about his wife? One of the gifts presented was a gold necklace for her worth fifty guineas. He had been trying to simplify his life. There were no costly ornaments in the home. How could he afford to have gold watches and diamond rings when he was exhorting the people to overcome the infatuation for jewellery? Could he himself indulge in what he was trying to wean others from? He decided he could not keep those gifts.

But he had to persuade his wife and children. The children, he was confident, would support him. So he had a 'consultation' with them. They readily fell in with his views. "We do not need these costly presents," they said. "We must return them to the community. Should we ever need them, we could easily purchase them."

"Then you will be my attorneys and plead with mother, won't you?" Gandhiji asked.

"Most certainly," they replied in a chorus. "That is our business. Mother does not need the ornaments for herself. She would want to keep them for us. Why should she not agree to part with them ?"

Next morning, when he put the proposition to Kasturbai, the children supported the father. But she held out; "You may not need the jewels, your children may not need them," she replied. "Cajoled, they will dance to your tune. I can understand your not permitting me to wear them. But what about my daughters-in-law? They will be sure to need them ... I would be the last person to part with gifts so lovingly given."

And so the argument went on, "reinforced in the end with tears". But the children were adamant. "I was unmoved. I mildly put in: 'The children

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have yet to get married ... surely we shall have for our sons brides who are not fond of ornaments. And if after all, we need to provide them with ornaments, I am there. You will ask me then'."

This only added fuel to the fire.

"Ask you?" Kasturbai rejoined sharply. "I know you by this time. You deprived me of my ornaments, you would not leave me in peace with them ... Fancy you offering to get ornaments for the daughters-in-law! You are trying to make *sadhus* of my boys from today! No, the ornaments will not be returned. And pray what right have you to my necklace?"

"Is the necklace given you for your service or for my service?" rejoined Gandhiji, with an attempt at dry humour which must have sounded heartless to his wife's ears.

Never at a loss for a repartee in a conjugal affray, Kasturbai had a ready reply: "I agree. But service rendered by you is as good as rendered by me. I have toiled and moiled for you day and night. Is that no service? You forced all and sundry on me, making me weep bitter tears, and I slaved for them."[72]

This was a home-thrust. Nor was her armoury exhausted. She came out with many more home-thrusts equally deadly. But all in vain. "I was determined ... I somehow succeeded in extorting a consent from her."

On October 18, 1901 he wrote to Parsi Rustomji a letter communicating his decision. "Consistently with professions made by me from time to time, I must not be satisfied with merely saying that what I value is the affection, that has prompted the gifts, not the gifts as such. I have, therefore, decided to hand over the jewellery, as per accompanying schedule, to the Afrikan Banking Corporation with instructions to deliver the articles to the Natal Indian Congress against a receipt signed by the President and Honorary ... Secretaries for the time being."[73]

The gifts were to be put into a trust to be formed in favour of the Indian Natal Congress under the following conditions:

(1) The jewellery or its value should form an emergency fund to be utilised only when the Congress had no other funds to fall back upon without the two landed properties.

(2) Gandhiji should have the right to withdraw any unutilised portion of the jewellery for use in any beneficial object, whether within or without the scope of the Congress.

(3) While the Congress would be free to draw upon the assets of the trust at any time absolutely at its discretion, Gandhiji would 'feel it an honour to be consulted by the Congress' as to whether the object for which it was sought to utilise same was in his opinion 'an emergency within the scope of this letter'. The letter continued:

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> I have taken the above step deliberately and prayerfully. ... the costly presents ... are too sacred to be sold by me or my heirs, and, seeing that there can be no guarantee against the last contingency ... the only way I can return the love of our people is to dedicate them all to a sacred object. And since they are in reality a tribute to the Congress principles, to the Congress I return them.

Expressing the hope that "our people would transilate into acts their good intentions (towards the institution) of which the recent presentations were an earnest", he concluded with the prayer that "the Congress may continue to serve the Empire and the community".

The inventory listed the following items of jewellery:

(1) Gold Medal presented in 1896.
(2) Gold Coin presented in 1896 by the Tamil Indians.
(3) Gold Chain presented by the Johannesburg Committee in 1899.
(4) Gold Chain, sovereign purse and seven gold coins presented by Parsi Rustomjee.
(5) Gold watch presented by Mr. Joosub of Messrs Dada Abdulla & Co.
(6) Diamond Ring presented by the community.
(7) Gold necklace presented by the Gujarati Hindus.
(8) Dimond pin presented by Abdul Cader and a silver cup and plate presented by the Kathiawar Hindus, Stanger.

Gandhiij's decision deeply hurt Parsi Rustomjee, who had been honoured with similar gifts on his visit to India in the previous year. He threatened, in case Gandhiji persisted in his decision, to meet his deliberate decision "by my own resolve, also deliberately taken after mature consideration",[74] to sever all connection with the Natal Indian Congress. He based his objection to Gandhiji's returning the gifts on the following grounds:

(1) Tokens of regard and esteem, such as had been bestowed on Gandhiji must, once accepted and received, be treasured.

(2) Any adverse decision arrived at with respect to such tokens could not but lead to a misconstruction of motives in the donor or in the recipient.

(3) The gifts that Gandhiji had described as 'valuable' were 'trifles' in comparison with Gandhiji's priceless services to the community.

(4) It would cast a slur on Parsi Rustomjee's own conduct in having accepted similar gifts bestowed upon him in the previous year.

If, however, for some reason 'which I cannot fathom', concluded Parsi Rustomjee, "your determination is irrevocable and final, I would respectfully ask that you will be pleased to defer the execution of such resolve on your part till I could ascertain the views of the President of the Congress in reference to your step, and also as regards the return of the more than tangible and ill-deserved ... tokens, which have been bestowed upon myself for alleged services in connection with the Natal Indian Congress".[75]

Gandhiji managed to beat down Parsi Rustomjee's opposition as he had Kasturbai's, and his proposal was ultimately accepted by the Natal Indian

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Congress. The gifts were put under a trust composed of Gandhiji's nominees. Gandhiji himself never had any occasion to draw upon the assets of the trust. "Often, when I was in need of funds for public purposes, and felt that I must draw upon the trust, I have been able to raise the requisite amount, leaving the trust money intact. The fund is still there, being operated upon in times of need, and it has regularly accumulated." He never regretted the step, he says, and we have his testimony that in due course Kasturbai also saw its wisdom. "It has saved us from many temptations."[76]

10

Of far greater service to public work than the financial reserve was the principle that the trust established : "A public worker should accept no costly gifts."[77] Later, in the Mahatma's political career in India, acceptance for personal use of any largesse or perquisite from the public for services rendered to the country was strictly banned. It purified public life. The worth of a political leader came to be measured not by the amount of money that he could demand or command as a reward for his services but by his self-sacrifice and renunciation at the altar of the motherland.

In one respect Gandhiji discarded, or rather outgrew, his stand on this occasion. The trustees in the present case were all men of his choice and he had reserved to himself certain overriding powers. Later he came to regard the desire to have a controlling voice in the running of a trust as a sign of 'distrust' and imperfect renunciation. 'A narrowness of outlook' he called it, and when, after his wife's death, a trust was founded to commemorate her memory, he withdrew with profuse apologies a suggestion, he himself had made in the first instance, that the administration of trust funds should in practice be left to trustees of his choice.

No less integral to the role that Gandhiji was subsequently to play in public life was the pattern of relationships that he was evolving *vis-a-vis* his own family. It was said of old that "a man's foes shall be they of his own household ... He that loveth father or mother more than me is not worthy of me and he that loveth son or daughter more than me, is not worthy of me." In other words, love of one's family or children, if it does not derive from or lead to love of Him who is incarnate in all beings, is a delusion and a snare that blesseth not him who gives or him who takes. Firmly believing that in love of the Source of all things are comprehended and transcended all loyalties and loves, Gandhiji found fulfilment of his love of family and children in making them, by dint of loving persuasion and personal example, co-sharers in single-minded service of Him through service of His creatures.

Without perhaps being fully aware of it, Gandhiji was gradually working

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his way to the dynamic of the power which he was later to employ so effectively in India's non-violent struggle for independence. What his wife and children learnt on this occasion they put to use during our fight for freedom, when they went to the loyalists, collaborators, and Government servants, including the military and the police, and implored them not to cooperate with the alien rule in holding the motherland in bondage. When the latter turned a deaf ear to their entreaties, they appealed to the members of their families to become their attorneys and plead for them, just as Gandhiji has done. The mantra that had proved effective in Gandhiji's hands proved equally effective in theirs also. Thousands of Government servants—high and low—threw up their jobs, and owners of liquor and foreign cloth shops closed their businesses when their wives, mothers and children strove with them with tears in their eyes, and told them that they did not want the 'tainted' income from these pursuits to provide themselves with luxuries and comforts, or shut the doors of their homes in their face if they sought or countenanced the arrest or maltreatment by the police of the meek Satyagrahis engaged in picketing in order to be able to continue their unpatriotic vocations. In the end the Secretary of State for India had to admit that it was the challenge of this power, particularly exemplified in the conduct of the Indian women Satyagrahis, that made the authorities feel resourceless. The alternative was to bid goodbye to all decency as civilised human beings. Revealing the source of this power and how it is to be cultivated, Gandhiji later declared that to be effective the striving for it must permeate every field of the Satyagrahi's life—the political, the economic and the domestic. Of these he gave the first and foremost place to the domestic field: "The alphabet of Ahimsa is best learnt in the domestic school and I can say from experience that, if we secure success there, we are sure to do elsewhere also. For a non-violent person the whole world is one family."[78]

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CHAPTER XVI

THE INDIAN INTERLUDE

1

On October 20, 1901 Gandhiji set sail from Port Natal by S. S. *Nowshera* With him were Kasturbai and their four children. Mauritius was a port of call for all 'coolie' ships plying between India and South Africa. Gandhiji went ashore and for a night was the guest of Sir Charles Bruce, the Governor of Mauritius. A Sanskrit scholar, who translated a part of *Atharva Veda* and the story of Nala and Damayanti into English, Sir Charles was also one of the editors of the famous Saint Petersburg Dictionary. Gandhiji's fame had preceded him. *Le Vrai Progres Colonial* welcomed him as a champion of the Natal Indians. The members of the Bar evinced a great interest in him. Wearing 'a tiny turban, high collar and a black coat', on November 4, 1901 he was introduced to them by Mr. Bertin, Attorney-General, at a function held on the premises of the Supreme Court. After the first night he shifted to a hotel opposite Appavou's store. He stayed on the Island for twenty days.

There were at this time 259,086 Indians as against 111,937 non-Indians in the island, comprising nearly 70 per cent of the total population. A large proportion of them were employed as labourers on sugar plantations. The cultivation of vegetables and fruits, the production of milk and handling of all household necessaries were exclusively in their hands. Many of the Indian traders, who had settled in South Africa in the wake of the Indian Indentured Labour, had come from Mauritius and time and again developments in the Sugar Island had found an echo in South Africa. Thambi Naidu, who later became one of Gandhiji's most trusted lieutenants in the Satyagraha struggle in South Africa, was an Indo-Mauritian.

Muslim and Tamil merchants held a reception in Gandhiji's honour on November 13. The bungalow at Taher Bag was decorated for the occasion with greens and flags, and the garden in front of the building illuminated. Replying to the address of welcome, Gandhiji, speaking first in Gujarati and then in English, said that the sugar industry of the Island owed its unprecedented prosperity mainly to Indian immigrants. He asked the Indians to make it their duty to acquaint themselves with the happenings in the motherland, and to take interest in politics. He also emphasised the need on their part to pay greater attention to the education of their children,

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whom he had found to be very intelligent.

The Municipal elections were to be held in a few weeks' time. On Gandhiji's advice Mr. Piperdy stood for election. He failed to get elected but a start had been made and later, along with G. M. Issac, he became a member of the Municipal Council. Here, as elsewhere in South Africa, the Indians were the victims of strong local prejudice, being looked down upon as 'carriers of disease'. Echoing the prevailing Mauritian sentiment, *Leoville L'Homme* wrote some time afterwards that Mauritius would heartily welcome them if they gave up their traditional customs and religion which in Mauritian eyes were symbols of their backwardness. An indirect effect of Gandhiji's visit was to rehabilitate somewhat the educated Indian immigrants in the eyes of the Mauritians so that, whereas previously influential papers had opposed the nomination of even a well-known doctor like Nellatamby to the Municipal Council, later Mr. Hassan Sakir M. S. became not only a nominated member of the Council but also the first non-Christian member of the Legislative Council.

Accompanied by a local gentleman, A. I. Atchia, Gandhiji saw all the important beauty spots—Tamarin, Rose Hill, Gentilly, Moka and the waterfalls. This was two years before the motor car made its appearance in the island. Most of the journey had, therefore, to be done on foot. Living near the Saint Pierre Police Station was an Indo-Mauritian, Samy. Gandhiji paid him several visits. He also came into close contact with the Chinese immigrant labour and visited numerous poor people in their huts. A village near Saint Pierre had the privilege of according him a welcome. Before he left, he had come to know every inch of Port Louis and made himself thoroughly acquainted with the conditions of the Indo-Mauritian population of the Island. Today there are about half a dozen Indo-Mauritians who recall with pride their meeting Gandhiji during his brief visit to the Sugar Island at the turn of the century.

The contact that Gandhiji had made with Sir Charles Bruce bore fruit many years afterwards when Sir Charles entered the Colonial Office. He then became a pillar of strength to the Indians in their struggle for just rights in South Africa.

2

On December 1, 1901 Gandhiji sailed home from Mauritius. What his friend Virchand Gandhi used to din into his ears, when as a briefless barrister Gandhiji had for a short while shared with him his room in Bombay before setting out for South Africa, was still fresh in his mind. The secret of Sir Pherozeshah Mehta's success, Virchand used to tell him, was his mastery of the law of evidence, the whole of which he had at his finger tips. No longer raw, Gandhiji felt confident that, after the experience of

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the Bar that he had gained in South Africa, he would make good at his profession in India also. Still to leave nothing to chance, he had equipped himself with the Indian Evidence Act and commentaries thereon. During his voyage he made a close study of these. Disembarking at Porbander he reached Rajkot on December 14, 1901, and settling his family in their ancestral home, after a couple of days' rest, on December 17 he left for Bombay *en route* to Calcutta where the 17th annual session of the Indian National Congress was to be held. He had been commissioned by the Natal Congress to place before that august body the case of the Indian community in South Africa.

Without losing a day, he set to work. In a letter to the *Times of India* from Bombay on December 19, 1901, he wrote: "The Indians in South Africa are eagerly awaiting to see in what direction the Indian public are going to help them in the struggle which they are carrying on for existence in that sub-continent against awful odds." Friends from London had suggested that a representative deputation should wait upon the Viceroy, similar to the one that some years ago had waited on Chamberlain on Sir William Hunter's advice, to strengthen the hands of the Viceroy as well as the workers in England. He thought it was a good suggestion.

> Mr. Chamberlain ... does not wish at once to put the pen through the laws inherited from the late Republics. Lord Milner has been charged with the task of considering what alterations should be made in those laws. This, therefore, is the time for India to assert her position ... and to claim for her sons in South Africa the full rights of a British citizen.

He was sure the authorities would not disregard a 'unanimous, emphatic, temperate and continuous' expression of the public opinion in India, "especially at a time when the Imperial wave is passing throughout the length and breadth of the British Empire".[1]

Dinshaw Wacha (later Sir) was the President-elect of the Congress for the year. Sir Pherozeshah Mehta in his usual kingly style had reserved a special saloon for himself. Gandhiji decided to travel from Bombay by the same train with them as he wished to apprise them of the conditions in South Africa before the Congress met. He was told, when he sought an audience with Sir Pherozeshah, to take his chance of speaking to him by travelling in the saloon for one stage. When he reported himself at the appointed station, Wacha and Chimanlal Setalvad (also, later Sir) were discussing high politics with the Uncrowned King of Bombay. Espying the newcomer from South Africa, he said to him, "Gandhi, it seems nothing can be done for you. Of course, we will pass the resolution you want. But what rights have we in our own country? I believe that, so long as we have no power in our own land, you cannot fare better in the Colonies."[2]

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Setalvad nodded agreement. "Mr. Wacha cast a pathetic look at me."[3]

Gandhiji tried to plead with Sir Pherozeshah to prevail upon him. Vain hope. Crestfallen he returned to his seat, thankful that he would at least be allowed to move his resolution.

"You will of course show me the resolution," said Wacha, to cheer him up, "I thanked him and got out of the compartment at the next stop."

Gandhiji had never attended a Congress session before. He had no friends or close acquaintances in the city or in the Congress hierarchy either. The President was taken to his camp with great *eclat* by the Reception Committee. Where was the improvident one to go? Gandhiji approached a volunteer for help. He took him to the Ripon College. The great Lokamanya Tilak also was to be put up there. Next day he arrived and immediately became the focus of attention and homage of numberless visitors and callers. Seated on his bed, never without his *darbar*, the old patriarch, to be renowned later as 'Father of Indian Unrest', who gave to the nation the immortal mantra 'Swarajya is my birth right and I will have it', left an indelible impression on the Mahatma-to-be, who was to supplement and implement that mantra many years later.

Among the callers on the Lokamanya was Motilal Ghosh, the founder-editor of the *Amrita Bazar Patrika*. Their ringing laughter and pungent comments on the misdeeds of the British rulers of India lingered long in Gandhiji's memory to be recalled after many years. But contemporary Congress politics seems to have impressed him but little. It was not *his* brand of politics. He, however, took a keen interest in other things that were regarded by the politicians of his day, perhaps, as beneath contempt.

His previous visit to India had brought Gandhiji face to face with the spectre of untouchability in Kathiawar. He was shocked to discover its presence even in the citadel of Indian nationalism. Far removed from all the rest, and walled in by a wicker-work screen, was the kitchen of the South Indian delegates, to whom even the sight of a *panchama* meant pollution. "Full of smoke which choked you, ... kitchen, dining room, wash room all in one", it was "a close safe with no outlet". If there was such untouchability between the delegates of the Congress, he said to himself, what must be the extent to which it existed amongst their constituents. The reflection saddened him.

The mismanagement on the organisational side of the Congress was appalling. The volunteers were raw, untrained and undisciplined. The delegates were no better. They expected everything to be done for them by volunteers, who in their turn went about ordering other volunteers. The insanitation defied description. Dirty pools of water offended the eye all over the place. The latrines stank. Gandhiji brought it to the notice of the volunteers. They said it was none of their business, it was the scavengers'

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work. "I asked for a broom. The man stared at me in wonder. I procured one and cleaned the latrine. But that was for myself. The rush was so great and the latrines were so few." He could not do it for all. Others did not seem even to care. Some of the delegates thought nothing of committing a nuisance on the verandah at night. In the morning when he pointed out the spots to the volunteers, "no one was ready to undertake the cleaning ... I found no one to share the honour with me ... I saw that, if the Congress session were to be prolonged, conditions would be quite favourable for the outbreak of an epidemic."[4]

He made friends with the volunteers, spoke to them about South Africa and tried to bring home to them the secret of service which is its own reward. "They felt somewhat ashamed. ... They seemed to understand, but service is no mushroom growth." Good, simple-hearted young men, "there was no lack of will on their part but their experience was nil".

This was the stuff of which *his* politics was to be made. But the time for it was not yet.

3

The Congress session was still two days off when Gandhiji arrived in Calcutta. As soon as he was free from his daily ablutions, he betook himself to the Congress office and offered his services to whomsoever might need them. Ghosal Babu and Bhupendra Nath Basu were the Congress Secretaries. Gandhiji first went to Bhupendra Babu. Bhupendra Babu had no work to give. He referred Gandhiji to Ghosal Babu. "I can only give you clerical work". Ghosal Babu said to Gandhiji with a smile. Pointing to a heap of letters awaiting disposal he proceeded, "Most of these letters have nothing in them, but you will please look them through, acknowledge those that are worth it, and refer to me those that need a considered reply. Will you do it ?"

"I was delighted at the confidence reposed in me. 'Certainly', I replied. 'I am here to do anything that is not beyond my capacity'."

"That is the right spirit, young man," Ghosal Babu said, well pleased. Addressing the volunteers surrounding him, he added, "Do you hear what this young man says ?"

Gandhiji found the work easy and disposed of the whole heap of letters in no time. He found in it great satisfaction. He wanted to do Congress work. "It gave me a rare opportunity of understanding details."

Ghosal Babu had not known Gandhiji when he gave him that work. Afterwards, when he discovered who he was, he felt embarrassed. Gandhiji set him at his ease, saying, "Please don't worry. You have grown grey in the service of the Congress. I am but an inexperienced youth. You have

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put me under obligation by entrusting me with this work."

Gandhiji found Ghosal Babu to be rather talkative. He loved to be waited upon. Even his shirt had to be buttoned by his bearer. Asked about it, he said, "You see ... the Congress Secretary has no time even to button his shirt." His naivete amused Gandhiji but did not detract from his respect for the elder Congress leader. He volunteered to do the bearer's duty and became to him 'clerk and bearer' both. "We became good friends. He insisted on my having lunch with him ... and did not mind my doing little acts of personal service for him. ... The benefit I derived from this service was incalculable."

The endless talk involving a colossal waste of time, the prominent place occupied by the English language in all talk, public and private, and utter disregard for economy of energy that characterised the running of the Congress, distressed Gandhiji. But here, again, "critical as my mind was in observing these things, there was enough charity in me, and so I always thought that it might after all be impossible to do better in the circumstances and that saved me from undervaluing any work". His realism gave him the capacity to see things as they are, his charity the strength to face stark reality and live with it. Both were needed for the making of a 'practical idealist'.

4

The Congress session formally opened at 2.30 in the afternoon on December 26, 1901. A large and beautiful pavilion had been erected in Beadon Square, which the Calcutta Corporation had lent for the purpose.[1] The pavilion was divided into a number of platforms with approaches lined with potted palms and other evergreens. The pillars were tastefully draped and the interior was decorated with curtains, festoons, buntings and flags. High class Indian ladies even in nationalist circles lived at this time in strict seclusion. A separate platform was consequently reserved for them. Screened off with *chicks* and curtains, it was provided with a separate entrance "so that they could step off their carriages and go to their platform without exposure to the outside gaze". A separate tent also was set up for them 'with approach similarly secluded'. Surmounted by a large dome and hung with flags and buntings, the entrance to the Congress pavilion 'presented a grand and attractive appearance'. From a platform erected over the gate *'nohobat* parties discoursed sweet music at intervals'.

Escorted by the Captain of the Volunteers and a number of Wardens "with ... gold embroidered silk sashes, ... bearing long staffs with flags flying at their tops", the Chairman of the Reception Committee with the President-elect, past Presidents, and others entered the pavilion in an impressive

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procession. So thick was the eager crowd lining the passages that it proved no easy matter for the procession to reach the President's dais.

The proceedings opened with a song especially composed by Sarala Devi, the talented daughter of Ghosal Babu, who, later as Mrs. Chowdhury Rambhaj Dutt of Punjab fame, was to enter Gandhiji's public and personal life under circumstances which neither of them could have at that time envisaged. Sung by a party of fifty-eight singers, hailing from all parts of India and representing all the different religions, with Miss Ghosal herself directing the orchestra, it was taken up by nearly 400 volunteers in the chorus.

> Orissa, Behar, Bengal, Oudh, Punjab, Nepal,
> Madras, Bombay, and Rajputana!
> Hindu, Parsee, and Jain, Sikh, Christian, Mussulman!
> Let every voice in concord ring,
> In every tongue the burden sing,
> All hail to Hindustan!

The Indian ear will not fail to catch in these lines the familiar ring of the Poet Rabindranath's *Jana Gana Mana Adhinayak* song, independent India's national anthem, into which the Bard of Santiniketan has transmuted its prototype by his magic touch.

The annual Congress session those days was a gala meet for letting off the steam pent up in patriotic breasts. For weeks beforehand ardent nationalists busied themselves with preparation of their orations—polishing their periods, sharpening their innuendos and perfecting their histrionics for the admiring crowd assembled in the Congress Pandal, if only to vindicate the lavish treat of *Sandesh* and *Rasagoola* with which the citizenry of Calcutta loved to welcome its guests. Distinction between delegates and visitors there was none except in the seating arrangements and the right to vote. Anybody could become a delegate by paying ten rupees, a visitor's ticket cost half as much. All important decisions were taken and the agenda for the Congress session was settled by senior Congress leaders in the Subjects Committee. Every resolution had a well-known leader to back it, and there were lengthy speeches to every resolution. How could there be any question of putting a curb on the length of the speech when a well-known leader, exhilarated by his own exuberance, held forth—and that too in English! As the day wore on, the agenda began to be disposed of at lightning speed and the guillotine to be applied freely to what remained over.

Gandhiji's heart sank within him. It was nearing eleven o'clock of the night. And his resolution was nowhere in sight. "Do something for me, please," he whispered into Gokhale's ear. Gokhale reassured him, he would not allow his resolution to be passed over.

Just then Sir Pherozeshah boomed out, "So, we have done."

"No. There is Gandhi's resolution on South Africa," Gokhale put in.

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"Have you seen it ?"

"Of course."

"Do you like it ?"

"It is quite good."

"All right. Then let's have it, Gandhi," Sir Pherozeshah called out.

Gandhiji had been watching the "immense pavilion, the stately row of volunteers, and the elders seated on the dais" as if in a trance. Called up by Sir Pherozeshah's stentorian voice, he got up and read his resolution, trembling. Gokhale supported it. "Unanimously adopted", cried every one.

"You will have five minutes to it," said Wacha.

Gandhiji had prepared himself for the occasion fairly thoroughly. He was full of his subject but what could be put in five minutes ? As soon as Wacha called out his name, he stood up. Speaking on his resolution,[5] "not as a delegate but as a petitioner on behalf of a hundred thousand British Indians in South Africa", he divided the Indian grievances into two categories—those arising from 'the anti-Indian attitude' of the South African whites and those that arose from "the translation of the anti-Indian feeling into anti-Indian legislation throughout the four Colonies in South Africa". Mentioning classification of all Indians, irrespective of their status, as 'coolies' as an instance of the first class of grievances, he told the gathering that if their worthy President were to go to South Africa, "he too, will be classed as a coolie, as a member of the semi-civilised races of India ... ." A short time ago, the son of the great Adamji Peerbhai of Bombay, himself a member of the Corporation, had gone to Natal. He had no friends there, he knew nobody. He applied for admission at several hotels. Some proprietors, who had better manners, told him they had no room, whereas other proprietors replied: "We do not accommodate coolies in our hotels. (Shame, shame)."[6] Kaikobad's was another case of a high-placed Indian who was refused permission to land in Natal because he had a black skin.

As for the second class of grievances, Natal with its Immigration Restriction Act, the Dealers' Licensing Act, and Franchise Amendment Act, was a closed book and perhaps nothing further could be done about it for the time being. But the case of the Transvaal and the Orange River Colony, where the old legislation was still in force, stood on a different footing. Chamberlain had expressed his sympathy with Indians in the past. But he had then felt helpless. "Such is not the position now. He is all-powerful He has promised to confer with Lord Milner as to how the old legislation is to be changed. Now, therefore, is the time for us in South Africa, or never."

Friends in England had advised : "Move the Indian public; let them hold public meetings, if possible, send deputations to the Viceroy and do everything you can to strengthen our hands here." The authorities were

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sympathetic, the speaker continued, and they were likely to get justice if they acted in time and with sufficient vigour. Among the delegates there were editors of influential newspapers, there were delegates who were barristers, who were merchant princes, and so on. They could all render practical help, each in his own way. The editors could collect accurate information, overhaul in their papers the whole question of foreign emigration, and ventilate their grievances systematically. Professional men could serve themselves and their countrymen by settling in South Africa.

> If we were to look for a moment at European emigration, we will find the speculator followed by the trader who, in his turn, is followed by the missionary, the doctor, the lawyer, the architect, the engineer, the agriculturist, etc. No wonder if, wherever they settle, they blossom into independent, prosperous, self-governing communities. Our traders have gone in their thousands to different parts of the world ... Are they followed by Indian missionaries, barristers, doctors, and other professional men? It is, unfortunately, the European missionaries who try to teach religion to the poor emigrants, European lawyers who give them legal advice, and European doctors, who cannot understand their language, (who) try to give them medical advice. Is it, then, any wonder if the traders, groping in the darkness, not knowing what their rights are, not knowing where to go to for directing their boundless energy into proper channels, and surrounded by strange faces, are much misunderstood, and are obliged to settle down to a life of humiliation and degradation?[7]

The proceedings that evening had opened with the singing of a song in praise of foreign immigration that somebody had composed and distributed among the delegates. The last verse was an exhortation to undertake foreign enterprises with strictest honesty and love for the motherland as moral equipment, knowledge as their capital and unity as the source of national strength. Taking his cue from it, Gandhiji read that verse as to the manner born and was going to comment upon it, when Wacha rang the bell. Not knowing that the bell was rung in order to warn him to finish in two minutes more, Gandhiji took it for a notice that his time was up and he must make room for the next speaker. "I was sure I had not spoken for five minutes ... I had heard others speak for half an hour and three quarters of an hour, and yet no bell was rung for them." Deeply hurt, he managed to wind up just in one sentence: "Gentlemen, if some of the distinguished Indians I see before me tonight were to go to South Africa, inspired with that noble spirit, our grievances must be removed", and sat down. "My childlike intellect thought that that poem contained an answer to Sir Pherozeshah." There was no question about the passing of the resolution. "Everyone raised his hand and all resolutions passed unanimously. My resolution also fared in this wise and so lost all its importance for me."

In his Autobiography Gandhiji refers to a return on this occasion of

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his early 'shyness' which he thought he had long left behind Trembling. he says, he read his resolution when called upon by Sir Pherozeshah to do so. "The morning found me worrying, about my speech ... The words would not come to me ... The facility for speaking that I had acquired in South Africa seemed to have left me, for the moment." The text of the speech as recorded in the published proceedings of the 'Seventeenth Indian National Congress' is, however, word-perfect and bears no evidence of stage-fright. It shows penetration, perspective, a keen awareness of historical processes at work in South Africa and the matching role that the various sections of contemporary Indian society could play in the struggle by their compatriots overseas for their rights. The peroration shows no trace of abruptness, and if he had not himself recorded it, nobody would have suspected that there had been an interruption and the oratiou had to be cut short. To draw applause thrice and move the audience to righteous indignation once in the course of a three-minute speech, when his seconder, a fairly senior practised speaker from South India, did not draw any, was no mean achievement and hardly supports the theory of a 'nervous' seizure. The 'seizure', if any, must therefore have been only momentary. Or, is this just another instance of a man, from a serene height indulging in a bit of good-humoured banter at the expense of his former self which he has outgrown? Be that as it may, the picture of Gandhiji that emerges from an objective survey of the proceedings of the Seventeenth Annual Session of the Indian National Congress is that of a prince going about his realm *incognito* totally unaware of his princely bearing and stature.

5

After the Congress session Gandhiji decided to stay on in Calcutta in order to meet various people in connection with the work in South Africa. Securing a room in the India Club, he set about to establish touch with prominent Indians and interest them in the work in South Africa. Some Rajas and Maharajas, who had been invited to Lord Curzon's *darbar* that was held in Calcutta about this time, were members of the club. On the day of the *darbar* he found them wearing trousers and shining boots, instead of their usual fine Bengali dhotis, shirts, and scarves, which made them look like *khansamas* (waiters). Questioned about it, they said they were forced to put on such dresses on the occasion. They dared not disobey the sartorial requirements, or absent themselves from the *levee* except at the risk of losing their wealth and titles. "We alone know our unfortunate conditions. We alone know the insults we have to put up with," they said.

"But what about these *khansama* turbans and shining boots?" Gandhiji asked one of them in pained surprise.

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"Do you see any difference between *khansamas* and us?" he replied and added, "They are our *khansamas*, we are Lord Curzon's *khansamas*."

Many years later Gandhiji attended another *darbar* held on the occasion of the laying of the foundation stone of the Hindu University at Benares. It gave rise to an 'incident'. Of that later. But his reflections on that occasion, as he saw before him row upon row of Rajahs and Maharajahs in a glittering array, are worth recording here. It distressed him to find them 'bedecked like women', he says, swaddled in rich robes—'silk pyjamas, silk *achkans*'—'pearl necklaces round their necks, bracelets on their wrists, pearl and diamond tassels on their turbans' and 'swords with golden hilts dangling from their waist-bands'.

The encounter gave Gandhiji a deep insight into the 'gilded slavery' of the Indian Princes. "I discovered that these were insignia not of their royalty, but of their slavery ... I was told that it was obligatory for these Rajas to wear all their costly jewels at such functions. I also gathered that some of them had a positive dislike for wearing these jewels, and that they never wore them except on occasions like the *darbar*."[8] It had hurt him as a child to see his father forced to conform to the sartorial ritual prescribed at State functions (see *The Early Phase*, p. 287). He saw in the rulers of Indian States fellow victims of cultural slavery imposed by the alien system of rule. More sinned against than sinning, they were in his eyes objects worthy rather of pity than resentment of his countrymen. "How heavy is the toll of sins and wrongs that wealth, power and prestige exact from man."[9]

Gokhale used to go to the India Club to play billiards. On learning that Gandhiji was staying there he invited him to stay with him, and after waiting for two days, himself came and whisked him away to his residence. "Gandhi ... this sort of reserve will not do," he said to him, when Gandhiji hesitated. "You must get into touch with as many people as possible. I want you to do Congress work." Ever since they had met six years ago the elder statesman had had his eye on him. He had had ample opportunities to see for himself what stuff his protege was made of. He constituted himself into Gandhiji's elder brother, enquired into and catered to all his needs, took him completely into his confidence, overwhelmed him by keeping nothing secret from him and introduced him to all important persons. Among them was Acharya (later Dr.) P. C. Ray, the celebrated Indian scientist, who never married, wore only swadeshi cloth, kept just forty rupees for personal use out of his salary of eight hundred rupees and devoted the balance to public purposes. To listen to their discussions on public affairs was a joy and an education for Gandhiji, but their habit of indulging in cynical strictures on public men jarred on him. It pained him, when some of those whom he had regarded as stalwart fighters went down in his estimation and 'began to look quite puny'.

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Gandhiji learnt to adore Gokhale for his single-minded devotion to the service of his country, his habit of exhaustive, painstaking study of public questions, his precision and amazing capacity for marshalling facts, no less than for the way in which he conserved every moment of his time to be used for public good. Even more impressed was he by Gokhale's freedom from the slightest taint of untruth and insincerity, foreshadowing his celebrated dictum, 'Politics must be spiritualised', which he was to make his own. Gokhale's passion to end India's poverty and subjection had crowded out everything else from his life. He invited Gandhiji to the celebration of the anniversary of Ranade, his political guru, whom in his speech on the occasion he described as not only a great historian, but an equally great economist, reformer and patriot; a versatile genius, who stood head and shoulders above all his contemporaries, who included giants like K. T. Telang and Vishwanarayan Mandlik; and who, although he was a judge, attended the Congress sessions fearlessly. Incidentally, in describing Mandlik's solicitude for his clients, Gokhale recalled how once, having missed his usual train, he engaged a special train so as to be able to attend the court in the interests of his client. It left a deep impression on Gandhiji. Later in the course of his public life he also on one occasion did likewise in analogous circumstances in emulation of the example cited by Gokhale.

But with all his reverence for Gokhale he could not overlook a couple of Gokhale's shortcomings. One was the use by Gokhale of a horse carriage instead of a tram car, the other his neglect of physical exercise. Did he consider the use of a tram car derogatory to a leader's dignity, he asked Gokhale one day. Hurt by even a suggestion of personal vanity or love of personal comfort in him, Gokhale answered in a tone of mild reproach, "So you also have failed to understand me! When you are the victim of as wide a publicity as I am, it will be difficult, if not impossible, for you to go about in a tram car." Little could Gandhiji have envisaged the time when as Mahatma he would have to submit to being taken about the country by a special train to avoid *darshan*-crazy crowds assembled at all wayside railway stations dislocating the entire railway traffic over the route he travelled.

The other failing of the great Gokhale he could not get over even with all his admiration of him. "Should public work leave no time for physical exercise?' he one day asked his idol.

"When do you ever find me free to go out for a walk," Gokhale replied.

The answer failed to satisfy Gandhiji. "I believed then as I believe even now that no matter what amount of work one has, one should always find time for exercise ... just as one does for one's meals." If flesh is the tabernacle of the spirit, as it indeed is, then it must, he reasoned, reflect the health of the spirit, if the spirit is healthy. Conversely, a sick body

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betokens sickness of the spirit and is therefore a sin—sin against the laws of nature. Our body is a trust from the Maker to be used in His service. Attunement with Him must result in an instinctive knowledge of the laws of health and a life in conformity with them. Sickness is a sin against the spirit; sin, a sickness of the soul. One is an offence to be atoned for; the other a malady to be cured.

6

The spiritual quest on which Gandhiji had launched in South Africa took him to a number of good people professing different religious faiths. He had promised to his Christian friends in South Africa that he would meet Indian Christians and acquaint himself with their condition. Accordingly he called on Kalicharan Babu, scholar, orator and ardent patriot, who had been converted to Christianity at 17 while he was still studying in college. His change of religion had made not the least difference in his allegiance to the motherland and its culture. He was broad-minded but on becoming a Christian, he had refused to be denationalised and had continued to live simply. In his house he wore the usual Bengali dress. His wife Elokesi, who had followed in his footsteps and embraced Christianity, was on her death bed when Gandhiji went to see him. He, therefore, had looked forward to meeting Kalicharan Babu at his best. "Do you believe in the doctrine of Original Sin?" Kalicharan Babu asked him when Gandhiji presented his difficulties to him.

"I do," replied Gandhiji.

"Well then Hinduism offers no absolution therefrom. Christianity does."

Gandhiji pointed out to him the doctrine of devotion and redemption through total surrender laid down in the *Bhagawad Gita:*

> Clasp Me with heart and mind! so shalt thou dwell
> Surely with Me on high. But if thy thought
> Droops from such heights;
> Despair not! ... bring Me thy failure! find
> Refuge in Me, let fruits of labour go,
> Renouncing hope for Me, with lowliest heart,
> So shalt thou come;

And again,

> There lives a Master in the hearts of men
> Maketh their deeds, by subtle pulling-strings,
> Dance to what tune He will. With all thy soul
> Trust Him, and take Him for thy succour, ... !
> So—shalt thou gain—
> By grace of Him—the uttermost repose,
> The Eternal Place!

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But it was no use. Kalicharan Babu would not have it. Saddened, Gandhiji returned home dissatisfied just as Gokhale had predicted, when he had spoken to him of his intention to see the great Christian patriot.

Gandhiji next called upon Justice Mitter and Sir Gurudas Bannerjee, two leading legal luminaries of Bengal and Raja Sir Pyarimohan Mukherji, who had cold-shouldered him during his previous visit to India in 1895, to interest them in his work in South Africa. Kalicharan Bannerji had spoken to him about the annual sacrifice that goes on in the name of religion in the Kali temple. To see things for himself he went there immediately from Justice Mitter's house which was in the same locality. A stream of sheep was being taken to be sacrificed to Kali. Sturdy beggars lined the street leading to the temple, and religious mendicants pursued for alms devotees going to the temple, "Do you regard this sacrifice as religious?", he asked one of them sitting on a verandah.

"Who would regard killing of animals as religious?"

"Then why don't you preach against it?"

"This is not my business. Our business is to worship God."

"But could you not find any other place in which to worship God?"

"All places are good for us. The people are like a flock of sheep following where leaders lead them. It is no business of us Sadhus", the Sadhu replied.

At the temple the sight of innocent blood sickened Gandhiji. Even more sickening was the sophistry with which educated Bengali friends defended the practice at a dinner to which he had been invited that very evening. The sheep did not feel anything, they maintained; the noise and the drum beating deadened all sensation of pain. All he could say in reply was that if the sheep had tongues they would tell a different tale.

His mind in a whirl, Gandhiji returned home. He never could subscribe to the view that man's life is more precious than an animal's and that we are therefore justified in taking the life of a lamb for the sake of the human body.

> I hold today the same opinion as I held then. To my mind the life of a lamb is no less precious than that of a human being ... I hold that, the more helpless a creature, the more entitled it is to protection by man from the cruelty of man.[10]

He felt that the cruel custom ought to be stopped. "But I also saw that the task was beyond my capacity." It brought to his mind the story of Buddha, how moved by the sight of bleating goats tied down to the sacrificial altar, he spoke to the priests, "breathing words so piteous with such high lordliness of truth and right", that hearing him,

> The might of gentleness so conquered them,
> The priests themselves scattered their altar-flames
> And flung away the steel of sacrifice;

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What compassion, what awesome penance! Overwhelmed by a sense of his own inadequacy for the task, he exclaimed:

> I must go through more self-purification and sacrifice, before I can hope to save these lambs from this unholy sacrifice. Today I think, I must die pining for this self-purification and sacrifice. It is my constant prayer that there may be born on earth some great spirit ... fired with divine pity, who will deliver us from this heinous sin, save the lives of the innocent creatures and purify the temple!"[11]

* * *

Dividing his time between meeting people in connection with his work in South Africa and visiting and studying the religious and public institutions in the city, Gandhiji stayed in Calcutta for a month, going about mostly on foot. He attended some of the meetings addressed by the Brahmo Samaj leader, Pratap Chand Mazumdar. He also tried to meet the Poet Rabindranath's father, Maharshi Devendra Nath Tagore, and Swami Vivekananda, but could not, as both of them were ill and were not allowed to receive visitors. But he met Pandit Shivnath Shastri, another pillar of the Brahmo Samaj, who was besides an ardent nationalist. Sister Nivedita, a European disciple of Swami Vivekananda, was at that time staying as a guest of Mrs. Ole Bull and Miss Josephine Macleod at the American consulate. Gandhiji called on her. Her passionate love for India moved him. But for the rest he found little meeting ground with the fiery apostle of 'aggressive Hinduism' with her pronounced sympathy and close association with the violent revolutionaries. His stay under the roof of Gokhale brought Gandhiji into touch with some of the foremost Bengali families, and marked the beginning of his intimate contact with Bengal which grew with the years.

During his stay in Calcutta Gandhiji addressed two public meetings held at the Albert Hall, one on January 19 about the conditions of Indians in South Africa and the other on January 27, about the work done by the Indian Ambulance Corps during the Boer War. The second meeting was presided over by Dr. Mullick. Gokhale liked Gandhiji's speech and Dr. Ray praised it. The first speech contained the striking statement that the policy followed by the Indians for the redress of their legal disabilities was based on two principles, viz. "to stick to the truth at all costs and conquer hate by love". The *Englishman* published the report of the speech with a warm introduction to its readers of the speaker and his labour to "ameliorate the condition of the Indian immigrants in South Africa". Mr. Saunders of the *Englishman* was, of course, helpful as ever. "I have also been on the stump," Gandhiji wrote to his friend, Barrister Shukla, "the leaders have certainly begun to interest themselves in the question."[12]

At Gandhiji's request Mr. M. C. Turner, President of the Bengal Chamber of Commerce, sought leave of the Viceroy to wait on him with a deputation in connection with the disabilities of the Indians in South Africa.

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The Viceroy, while sympathising with the object of the deputation, thought that public expression of opinion on his part could not add to the strength but it might have the appearance of applying pressure 'which would be resented in other quarters'. Since the ultimate decision lay with the Colonial Government, he suggested that the proper channel would be not the Viceroy but the Secretary of State for the Colonies. If he received and replied to a public deputation, it might not 'altogether advantageously affect' the interest which, he had 'so much at heart'. The idea of leading a deputation was consequently dropped.

On January 28, 1902, Gandhiji left Calcutta for Rangoon by S. S. *Goa* to meet his friend Dr. Pranjivan Mehta, the versatile genius, who after doing his medicine and law had now set up a business in precious stones in Burma. The weather was glorious. It made him think of Gokhale. "How I wish you had been on board! Your cough would have left you in two days," he wrote to him before landing at Rangoon. The thought that he had unwittingly caused his host pain, when he had criticised him for his use of a horse carriage, haunted him. Gokhale had spared no effort 'to wipe out the distance that should exist' between him and Gandhiji. He had so generously extended to him the privilege of his confidence and guidance, and out of his largeness of heart had, Gandhiji felt, 'altogether overestimated' his services to the country. Smitten by remorse, he sought to make amends. "When I come to think of it, I feel that I had no right to question your taste on Monday evening. I was too presumptuous. Had I known that I would cause you thereby the pain I did cause, I should certainly have never taken the liberty. I trust you will forgive me for the folly."[13] While leaving Calcutta, he had forgotten to give Gokhale's coachman and the groom a gratuity. So he requested Gokhale to ask Mr. Bhate to give the coachman 'a rupee and the groom half a rupee'.

Rangoon with its wide, well-laid orderly streets, excellent drainage system and spotless cleanliness impressed Gandhiji very favourably. The freedom and industry of the Burmese women charmed him. But the indolence of the men and laziness of the *foongis*, the Buddhist monks, pained him and the sight of innumerable little candles burning in the murky void of the golden pagoda, with rats scurrying about in its echoing recesses depressed him. "I also saw ... that just as Bombay was not India, Rangoon was not Burma and just as we in India have become commission agents of English merchants even so in Burma have we combined with the English merchants in making the Burmese people our commission agents." This was good neither for Burma nor for the Indians themselves and thereafter he never wearied of telling his countrymen settled abroad that they must identify themselves with the interests of the people of the country amidst whom they had settled and mix with them as sugar does with milk.

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On his return from Burma Gandhiji felt that his work in Bengal or rather in Calcutta was finished. With a wrench he took leave of Gokhale to return to Rajkot.

7

Before settling down Gandhiji decided to make a short tour of India to acquaint himself better with the conditions in the country, travelling third class. Gokhale at first made light of it but appreciated it when Gandhiji unfolded to him his plan. The treatment of railway passengers travelling third class had assumed the proportion of a 'national grievance' and used to come up before every Congress session as a hardy annual. It had engaged the attention of the foremost national leaders. Only they had no first-hand knowledge of those who travelled third class, never having travelled by that class themselves. Gandhiji's resolve to travel by third class was intended to provide him with an experience of the discomforts that were the lot of the vast bulk of the poor classes as also to bring him into intimate touch with a wide cross-section of the Indian humanity with whom it was his ambition to merge himself.

Purchasing a coat of coarse wool to wear during his travels, so as to look like an ordinary third-class passenger, and a canvas bag costing about twelve annas he got ready for his journey. The bag was to contain his coat, dhoti, a shirt, a towel, a blanket and a metal jug. Gokhale provided him with a metal tiffin carrier, which he got filled with *puries* and sweet balls. Both Dr. P. C. Ray and Gokhale accompanied him to the railway station to see him off. When Gandhiji protested, Gokhale said, "I should not have come if you had gone first class, but now I had to."

At the railway station Gokhale, wearing his usual red silken turban, jacket and dhoti, was at once recognised and shown all the deference due to his status in public life but Acharya P. C. Ray, who accompanied him, was in his usual Bengali dress. He was taken for an ordinary 'native' and stopped by the ticket-collector as he tried to enter the platform. It was only when Gokhale said that the Acharya was a friend of his that he was allowed to go in!

The itinerary that Gandhiji had chalked out for himself included halts at Banaras, Agra, Jaipur and Palanpur. By avoiding mail trains, as far as possible, to save on railway fares, and himself from over-crowding, which is worse on mail trains, and putting up practically everywhere with *pandas* or in *dharmashalas* like ordinary pilgrims, he was able to cover his itinerary with rupees thirty-one only, including the train fare.

Some of his experiences during this journey he recorded afterwards. They provide an illuminating commentary on the railway administration in pre-independence India. Some of the evils depicted by him persist even

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today.

> It was with very great difficulty that I found a seat in one of the intermediate carriages and that after I offered to stand the whole night if necessary. As it was, it was merely a trick on the part of the friends of some of the passengers. The former had occupied all the spare room with a view to prevent any more passengers from getting in. They got out as soon (as) the guard blew the whistle for the train to go. There was absolutely no room in the 3rd class carriages. You cannot adopt gentlemen's time and travel 3rd.[14]

Banaras was probably the worst station for the poor passengers. Corruption here was rampant.

> Unless you are prepared to bribe the police, it is very difficult to get your ticket. They approached me as they approached others several times and offered to buy our tickets if we would pay them a gratuity (or bribe?). Many availed themselves of the offer. Those of us who would not, had to wait nearly one hour after the window was opened, before we could get our tickets and we would be fortunate at that if we did so without being presented with a kick or two from the guardians of law.
>
> In the carriages we were packed anyhow. There was no restriction as to numbers, though there were notices in the compartments. Night travelling under such circumstances does become rather inconvenient even for the poor 3rd class passengers.[15]

Moghalsarai brought some relief. "The station master was a very pleasant man. He said he knew no distinction between a prince and a peasant." Gandhiji had travelled by first class, and by third class once, in Europe also, but nowhere had he found such difference in the fares charged as obtained in India. In parts of South Africa, where most of the third-class passengers were Africans, third-class compartments were provided even with sleeping accommodation and cushioned seats, and accommodation was regulated so as to prevent overcrowding. But in India the regulation limit was more often than not exceeded. Third-class passengers were 'treated like sheep' and their comforts were 'sheep's comforts'.[16] The railway officials and servants were rude and overbearing towards the lower class passengers, and cringing towards the upper class ones. The lavatory arrangements were awful, made worse by the inconsiderate and dirty habits of the lower class passengers themselves, which made third-class travelling a trial for a passenger of cleanly ways. They thought nothing of throwing about rubbish on the floor of the compartment; smoking at all hours and in all places, chewing betel and tobacco 'which converted the whole carriage into a spittoon'; shouting and yelling and using foul language.

Unsparing in his condemnation of the shortcomings of the third-class passengers, Gandhiji refused to let these be held up as an excuse either for the neglect by the railway authorities of their obvious duty and letting

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things continue as they were, or for the discrimination practised by the British rulers of India against the 'native' third-class passengers. He would far rather be in a third-class compartment in India, he said, than in Europe where on occasions he had found the company of third-class passengers on the Continental Railways to be "very disagreeable both from a sanitary standpoint and otherwise".[17]

As Gokhale had predicted, it was only the first plunge that was difficult. In retrospect Gandhiji even enjoyed it. He was able to talk to the other passengers freely. At times they even became friendly. On the whole he felt all the richer and stronger in spirit. The question of the hardships of poor railway and steamship passengers, "accentuated by their bad habits, the undue facilities allowed by the Government to foreign trade and such other things" continued to fill his mind. The only way to eradicate the evil, he felt, was (a) for educated men to make a point of travelling third class and reforming the habits of the people; (b) never letting the railway authorities rest in peace; (c) never resorting to bribes or any unlawful means for obtaining their own comforts; and (d) never putting up with infringements of rules on the part of anyone concerned.[18] It was a cause worthy to be taken up by "one or two enterprising and persevering workers who could devote their full time to it". But it was vain to expect it to be taken up in India of those days. Later, he made it a rule to travel only by third class, whenever his health permitted it and sometimes even at the cost of his health. The growing burden of Mahatmaship at last forced him to make use of the facility of a special train which the authorities provided him but nothing could make him give up travelling by third class.

8

Travelling *incognito* provided Gandhiji with many a rich experience which otherwise he would have missed. Banaras was the first stop. Desirous of having a bath in the Ganges 'in the proper orthodox manner', before he had any food, he paid the *panda* (priest), with whom he put up, a fee of one rupee and four annas only for the performance of the prescribed *puja*. This occupied him till about midday. He then went to the Holy of Holies—Kashi Vishwanath, for *darshan*. The approach to the sacred shrine was through a narrow, slippery lane, buzzing with swarms of flies. Instead of an atmosphere conducive to meditation and communion, there was the din and noise created by the pilgrims and the shouting of cunning shopkeepers vending sweets and toys of the latest fashions. Stinking masses of rotten flowers inside the temple made one hold one's breath, the white marble floor was broken and set by some 'devotees innocent of aesthetic taste' with rupee-coins, 'which served as excellent receptacles for dirt'. Disillusioned and nauseated, he reached *Jnan Vapi*, "The well of knowledge." "I searched

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here for God but failed to find Him." In no mood to offer any *dakshina* (monetary offering), he offered a pie.

> The *panda* in charge got angry and threw away the pie. He swore at me and said, 'This insult will take you straight to hell.' This did not perturb me. 'Maharaj', said I, 'whatever fate has in store for me, it does not behove one of your class to indulge in such language. You may take this pie if you like or you will lose that too.'
>
> 'Go away,' he replied, 'I don't care for your pie.' And then followed another volley of abuse.
>
> I took up the pie and went my way, flattering myself that the Brahmin had lost a pie and I had saved one. But the Maharaj was hardly the man to let the pie go. He called me back and said, 'All right, leave the pie here, I would rather not be as you are. If I refuse your pie, it will be bad for you.'
>
> I silently gave him the pie and, with a sigh, went away.[19]

Twice he visted Kashi Vishwanath after that but by then the mantle of Mahatmaship had descended on his shoulders with a vengeance. "People eager to have my *darshan* made it impossible for me to have a *darshan* of the temple. The woes of the *Mahatmas* are known only to the *Mahatmas*."

Painful as his experience at Banaras was, it only strengthened his faith:

> If anyone doubts the infinite mercy of God, let him have a look at these sacred places. How much hypocrisy and irreligion does the Prince of Yogis suffer to be perpetrated in His holy name? He proclaimed long ago, 'Whatever a man sows, that shall he reap.' The law of Karma is inexorable and impossible of evasion. There is thus hardly any need for God to interfere. He laid down the law and, as it were, retired.[20]

Rounding off the brief visit to Banaras with a visit to the Central Hindu College, to inquire about the health of Mrs. Besant, who had just recovered from an illness, Gandhiji resumed his journey. He found the 'dream in marble' at Agra worth a visit, and the Albert Museum at Jaipur 'a far better building than the Calcutta one'. The art section was by itself a study and the school of arts appeared to be flourishing under its Bengali Superintendent. At Palanpur he met his old friend and patron, Ranchhoddas Patwaree, who was now Chief Minister there.

At Calcutta Gokhale had spoken to Gandhiji about a fund to be raised for a memorial to Ranade. But all the States were more or less groaning under the effects of famine. When Gandhiji spoke about the collection of the fund to Patwaree, that experienced man of the world advised that it should not be undertaken till December or January. At least Rs. 10,000 would be lost, if the collection was started in April in Gujarat—a sensible hint, which Gandhiji conveyed to Gokhale, and postponed starting the collection until the following December or January.[21] This he was never able to do.

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9

After passing five nights on the train, Gandhiji reached Rajkot on February 26, 1902, and straight away began to lay plans for his future. Gokhale was anxious that he should settle down in Bombay, build up his practice at the bar and help him in Congress work. Gandhiji would have loved nothing better, but the memory of his previous failure at the bar in Bombay haunted him. So he decided to start at Rajkot first. Engaging a clerk for his legal work, he invested in a typewriter. Before leaving for Calcutta, he had given instructions for alterations to be made in their ancestral house, principally with a view to letting in more light and air. By the time he returned after three weeks' absence he was worn-out. In South Africa he had been burning the candle at both ends. Dr. Pranjivan Mehta after noting his condition had prescribed several months' complete rest. Anyway, there was hardly any professional work to occupy him yet. For the time being therefore he used both the clerk and the typewriter for work in connection with South Africa, for which the Natal Congress had sanctioned a small budget.

Having made over his entire savings from South Africa to his elder brother in discharge of the debt he owed him for help received from him in the past, he had only some unrealised dues, that he had left behind in South Africa, to fall back upon. One of the first things he did was to send two of his clients urgent reminders to remit to him the outstandings regularly every month. A nephew of his had passed his matriculation examination only a couple of days after he had set off for Calcutta. He had first come in contact with Gandhiji on Gandhiji's return from England in 1891 after completing his law studies; he had accompanied him to Nasik at the time of the performing of the *prayaschit* ceremony, and had helped him as a 'volunteer' at Rajkot in bringing out the Green Pamphlet during his previous visit to India. He had recently applied for and secured a job in the Agency. Invited by Gandhiji he joined him, began to learn shorthand and typing and also to help him in the tuition of his children. This was Chhaganlal, son of Khushalchand, Gandhiji's cousin, who was later to present to him his other three sons also for the service of the motherland.

The daily religious ritual in Lakshmidas's house was under the charge of Nathuram Sharma. The afternoon session of prayer and worship lasted for nearly two hours from 4 to 6 p.m. when the congregation assembled on a low verandah on the ground floor to hear his discourse. He held the position of a religious preceptor in the Gandhi family. Later Gandhiji was much impressed by his Gujarati translation of the *Gita*. For two months during *Chaturmas* (the rainy season) he used to stay under Lakshmidas Gandhi's roof. About a week before Gandhiji's arrival, *Chaturmas* over, he had left Rajkot. One of the first things that Gandhiji did from the very next day of

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his arrival was to introduce the reading of *Tulasi Ramayana* to assembled friends and relations every evening.

They were all eager to meet Gandhiji on his return after six years of absence abroad. By 7.30 p.m., after dinner and evening walk, he would be ready to receive them. Frequently among them were Barrister Shukla, Khushalbhai, Meghjibhai, son of Gandhiji's father's sister, and Narbhairam Arunchand Mehta, a companion of Gandhiji's schooldays. At 8 o'clock a Brahmin *Kathakar* would come and the reading from the *Tulasi Ramayana* would commence. It lasted till 9 or 9.30 p.m. Before many days it had grown upon Gandhiji—so much so, that, as a preliminary to launching on a new chapter of his life in India, he decided to soak himself for self-renewal in the nectar of that devotional epic, which had been his grandfather's favourite, his father's consolation in his last days and an inexhaustible source of spiritual solace to himself. He had a wooden cot taken out and placed in the open backyard of his red-tiled ancestral house for the purpose, and by devoting three to four hours daily finished the reading in one week. The mild-winter sun from the cloudless blue above revived the tired body; the plunge in the well-spring of the immortal epic refreshed the spirit.

The morning hours were devoted to dictating letters and drafts of various memorials, etc., to his nephew. After the midday meal, began the reading of the *Ramayana.* It continued till 4 in the afternoon. By that time his outgoing mail, taken down to his dictation in the morning, would be ready. The mail despatched, he would go out on his evening walk accompanied by a crowd of children of the Gandhi family, whom he took out both for instruction and for exercise. Among them were three of his own children, Harilal, Manilal and Ramdas; and Gokuldas, his widowed sister's only son. Little Devdas had to be carried by Kasturba in her arms. At the end of the walk he would sit down with the children opposite the Jagannath Temple a few furlongs beyond the Rajkumar College. The children liked him and he loved the children. One of them, his niece, Jadiben, a girl in her teens, daughter of his brother Lakshmidas, having lost the use of one eye owing to an injury during early childhood had to discontinue her studies. Gandhiji lavished special care on her; persuaded her mother to let her hair be bobbed, which he did with his own hands; made her wear shirt and slacks so as to look like a boy; and took her daily to his office with him, to teach her the three R's. He wore a Kathiawari turban, a Kathiawari *angrakha* (loose jacket) and dhoti of swadeshi hand-woven cloth. Handspun had not yet been discovered.

He had not yet adopted the austere simplicity and frugality of fare that marked his dietary habits later. By nature a hearty eater, a 'trencherman' as he sometimes humourously called himself, being invited one day to lunch by his other niece, Radhaben, Jadiben's younger sister, he ordered *papad* and *poonam pouli*—a variety of pan-cake with a sweet filling—for

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his son, Harilal, who had come with him to Rajkot. This preparation is generally served with ghee—melted clarified butter. What followed is best described in Radhaben's own words :

> Hurriedly we prepared *papad* overnight, but by chance there was no ghee in the house that day to go with *poonam pouli* when father and son sat down to dinner. For this he took me to task.
>
> 'How thoughtless of you not to have anticipated the need of fresh cow ghee to go with *poonam pouli*', he said with half serious, half mock sternness.
>
> 'I served two *poonam poulis* to each—father and son—and rushed out to obtain some fresh ghee from a relation's house across the street. When after a few minutes I returned with it, he had polished off his two *poonam poulis*![22]

On Gandhiji's return from South Africa in 1915, Radhaben with her little son once went to see her uncle—now the Mahatma—in his Ashram at Sabarmati. As guests of the Ashram they were served the usual Ashram fare—rice with some boiled vegetables without any salt, spice or ghee. The child made a wry face over it. The Mahatma's gaze was, however, riveted solely on the child's wear which was mill cloth, instead of handspun. He twitted the mother over it.

"Have you forgotten, Bapuji," she retorted, "that *poonam pouli* incident twelve years ago, when you flew into a temper because I had not served ghee with *poonam pouli*, and before I could fetch it, you had polished off what I had served? And you now expect a lifetime's habit to be discarded all at once ?"

"You have done well to remind me of my old self," the Mahatma replied laughing, and then added with a twinkle, "But you will admit that if even I could change, everyone can if only they try hard enough."

10

Kevalram Dave, son of Mavji Dave (Joshiji), who had advised Gandhiji's elder brother and mother to send their Moniya to England, started Gandhiji with three briefs. Two of them were appeals before the Judical Assistant of the Political Agent in Kathiawad, the third was an original case in Jamnagar. It was rather an important case. The opposing counsel was the redoubtable Samarth. But Gandhiji had not practised at the South African Bar for six years for nothing. He won the case. The two appeals also were successful. Buoyed up with success he began to hope that he might make good even in Bombay.

The experience of British officialdom gained during the prosecution of the appeals, however, was an eye-opener. The date for the hearing of the first appeal was fixed for April 3, 1902. The Judicial Assistant's Court was

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peripatetic. The *saheb* was constantly on the move and the *vakils* and their clients had perforce to follow him. The *vakils* of course charged extra fees whenever they had to go out of the headquarters and the clients had to bear the brunt of it, apart from the inconvenience of trailing behind the *burra saheb's* establishment. The appeal in which Gandhiji was engaged was to be heard at Veraval, where the plague was raging. There were no less than fifty cases a day in a population of 5,500. Most of the people had fled. Gandhiji managed to put up in a deserted *dharmasala* but what were the poor clients to do? One of his friends had wired to him to put in an application on behalf of his client for the camp to be moved to some other station because of the plague at Veraval.

"Are you afraid," the English official asked, when Gandhiji submitted the application.

"It is not a question of my being afraid," Gandhiji replied, "but what about my client?"

"The plague has come to stay in India," the *saheb* airily replied. "Why fear it? The climate at Veraval is lovely. Surely, people must learn to stay in the open."

The *saheb* stayed far away from the town in a tent pitched by the sea shore, where he was surrounded by a retinue of liveried chaprasis and retainers to cater to his every comfort. No wonder, he found the climate 'lovely'. How could he have even a ghost of an idea as to what it meant for a poor man to stay in a deserted house in a plague infested town lacking even the elementary sanitary amenities, most of the people having fled?

"Make a note of what Gandhi says," the *saheb* told his *sarishtedar* "and let me know if it is very inconvenient for the *vakils* or the clients."

The incident brought home to Gandhiji as nothing else how difficult it is to get under the skin of other people if one has not learnt to make one's mode of living and thinking commensurate with theirs. "As the elephant is powerless to think in the terms of the ant in spite of the best intentions in the world, even so is the Englishman powerless to think in the terms of, or legislate for, the Indians."

Much later Gandhiji discovered that what held in respect of Government functionaries, held equally in respect of the popular leaders as well, but the insight that led to it was provided by his experience of the Assistant Judicial Officer's conduct at Veraval in the year 1902.

11

The Congress work in Natal had sagged after Gandhiji's departure. Mansukhlal Nazar and Khan did not hit it off well with Parsi Rustomjee, and Rustomjee complained that he was not receiving their full co-operation.

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Gandhiji sent him some sound advice: "You should have patience and take whatever work can be taken from them. People cannot speak or act always in the same manner. I think it is not right to form any adverse opinion on that account." As long as a man carried out with care the work entrusted to him, one should not mind his ways. "You should do as much as you can. One should content oneself with doing one's duty as one understands it, facing insults, obstacles, etc., courageously and behaving politely in every respect."[23] The malady from which the Natal Congress suffered was, however, deeper (see Chapter XVII).

In the last week of March 1902, Cecil Rhodes died of heart trouble on the very day on which he was to have sailed for England by a ship that had been specially air-conditioned for his use. "So ... Rhodes is dead," wrote Gandhiji to his friend Maurice in a letter. "However much one may dislike his policy, it is impossible, now that the man is gone, to withhold a tear; that he was a true friend of the Empire it would be very difficult to gainsay."[24] Of his former political opponents Harry Escombe was no more. Sir John Robinson was now a friend and admirer, exchanging 'love' notes with him. Gandhiji had presented to him a copy of Max Muller's *What Can India Teach Us*, which the latter had liked very much and in his turn had sent him a photograph of his. "I am ... glad ... that you liked Professor Max Muller's book," Gandhiji wrote back to him. "Nothing ... can conduce better to an understanding between the Western and Eastern branches of the Imperial family than a fair knowledge, on the part of either, of the best of the other."[25] Answering Sir John's questions about the deepening poverty of the Indian masses, he continued, "I fear that there is a great deal of truth in what some speakers and writers say about the growing poverty of the mass of the Indian peoples. Some classes have certainly become more prosperous, but the millions seem to be sinking ... The distress is indescribable." Whilst it was possible, he continued, that a return to Akbar's method of administration might to a certain extent alleviate the distress caused by famine and plague, he was not quite sure. "My remarks ... are subject to correction as I have not yet been able to study the question as fully as I should like to." To Gokhale he wrote: "You will be pleased to learn that for the time being I have accepted the very responsible position of Secretary to the State Volunteer Plague Committee which has been established in view of an impending outbreak in Rajkot."[26]

He threw himself heart and soul into the plague work indifferent to the risk involved, much to the worry and consternation of his brother; he got Dr. Pranjivan Mehta to prepare a pamphlet for distribution among volunteers engaged in plague work and, to be able to pay undivided attention to plague duties, sent Harilal to Gondal and Gokuldas to Banaras to be educated, leaving Manilal alone to be educated at home. By July 7, 1902 he had drawn up and submitted the Plague Committee's final report.

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In the following year Sir John Robinson died. Mourning his death, Gandhiji in an obituary on 'the author of the Indian Disfranchising Bill' wrote: "The British Indians had then reason to differ with him .... But no man can say that he was actuated by any but what to him were lofty motives in embarking upon that Bill." Asking his compatriots to put behind them the sense of injury left by the Franchise Amendment Act of 1896, which as susequently modified still stood on the statute book of the Colony, he recalled the words that Sir John had uttered at the time of introducing that measure. "In disfranchising British Indians," he had distinctly said on that occasion, "every member of the Legislative Assembly took upon himself a very serious responsibility and became trustees for them." Had that spirit guided their legislators in framing the legislation that followed, Gandhiji concluded, "there would have been very little to complain of".[27] Later, when a Committee was formed in London to collect subscriptions for a memorial for the late Prime Minister of Natal, he warmly supported it, paying a glowing tribute to the deceased for his 'large-hearted sympathy', which could rise above current racial prejudice, and 'his devotion and self-sacrifice towards the promotion of the public weal".[28]

His legal practice left Gandhiji sufficient time to devote to the work that the Natal Congress had entrusted him with. He had already overspent slightly the amount of £25 that had been remitted to him for the purpose. His own financial position was none too satisfactory. He, therefore, wrote to Messrs Nazar and Khan that to enable him to continue his work the Natal Congress should (a) vote the balance of his account and Rs. 25 extra for clerical fees, i.e. Rs. 28-7-9, (b) further vote £25 to cover further expenses, and (c) buy the YOST typewriter that he had purchased to be taken over by him whenever he was in a position to do so, at the same price, unless it was sooner taken over by the Congress from him.

> I am thoroughly aware that any expense beyond £ 25 is undertaken at my own risk and, at the time of buying the typewriter, I had absolutely no thought of making the proposal I am now making, as I did not then expect my pecuniary position to be so bad as it is. It is therefore entirely at the option of the Congress whether to accept or to reject the first two proposals. ... The Congress must not think of sanctioning them, because they are my proposals. If, on their merits, they appear to be reasonable ... then alone should the two proposals be considered. I may also state that the clerk working with me is my nephew and, but for the volume of work, I should not have thought of paying any clerical charges to him. He is not a volunteer. ... He has no source of income except through me[29].

To the uninitiated this might sound like using a steam-hammer to crack a nut, considering that the amount involved in the first proposition was Rs. 3 annas 7 and 9 pies, and in the second £25 only, but it provides us with a glimpse of Gandhiji's habit of merciless self-scrutiny out of which emer-

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ged the pattern that he later laid down for his co-workers and servants of the nation to be rigorously enforced in the conduct of public activity. Its guiding principles were:

1. There never should be any hesitation in asking for and receiving payment for every pie of expenditure incurred on public work, provided the expenditure is justifiable.

2. A public worker should never fail to present his accounts for searching public scrutiny and insist on judging himself and being judged by the most rigorous standard of economy and integrity.

3. If he draws remuneration for himself or employs friends or relations for public work, the scale of remuneration should, so far as possible, be according to the minimum requirement of the worker concerned, provided it did not exceed and was kept well below his market value.[30]

The building of these norms was an essential part of the fundamental preparation for a struggle of the type that Gandhiji was to launch first in South Africa and then in India—a prolonged mass struggle with no other sanction save that of persuasion and love. Without it non-violent organisation of the masses could not have been achieved.

12

Winning three cases in quick succession helped build up Gandhiji's reputation as a lawyer in Rajkot. But he felt ill at ease. In spite of the close bond of affection between the two brothers their ideals differed. After ten years of relentless search for truth and deep thought in South Africa over the problem of life, Gandhiji had now entered on a phase of his development in which to translate into action the conclusions that he had arrived at had become a consuming passion with him. But how could he do it under the conditions of the Indian joint family? He had adopted the ideal of the simple life and self-denial. His brother was somewhat of a spendthrift. How could the younger brother put a curb on his elder brother's spending and, failing that, how could he escape being involved in all that his elder brother did? He had dedicated himself to the service of the motherland. His brother wanted him to help rebuild the family's fortunes and revive the departed glories of the days of their father's Dewanship. He even wanted Gandhiji to restore the family jewels and other assets that they had been forced to dispose of since their father's death. This went against the grain with Gandhiji. His brother disapproved of his plunging headlong into the plague work, with all the risk that it involved—no less out of his natural affection for him than his anxiety that, in case anything untoward happened to the younger brother, he, as the elder brother, would have to shoulder the responsibility for the maintenance of his family as well; and on one or two

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occasions this had even led to some unpleasantness between the two.

While Gandhiji was worrying about this, Kevalram Dave came to him one day and said: "Gandhiji, we won't let you be buried in Kathiawar. You are destined to do public work. You must settle in Bombay." Taken aback by the suddenness of the proposal, Gandhiji asked, "Who will provide work for me there?" "You do not have to worry on that account," Dave replied. "We shall see to that. Drafting work we shall send you from here, and bring you down here sometimes as a big barrister from Bombay. It lies with us *vakils* to make or mar a barrister. When do you start?" Gandhiji replied that he was expecting some money from South Africa which would enable him to meet the expenses of setting up an office in Bombay. As soon as it arrived he would go to Bombay.

A remittance of Rs. 3,000 arrived from South Africa in about two weeks and Gandhiji went to Bombay, where, taking chambers in Payne Gilbert and Sayani's offices at a monthly rent of Rs. 20, he settled down. For his residence he hired part of Keshavji Tulsidas' bungalow, at Girgaum Back Road. The space was cramped and the ventilation poor. Scarcely had he moved in with his wife and children when his second son, Manilal, who had had an acute attack of smallpox some years back while in India, was laid up with an enteric, complicated with intercurrent pneumonia. A Parsi doctor was sent for. He prescribed eggs and chicken broth. That was the only way he knew of maintaining the strength and saving the life of the patient, he said. Gandhiji told him that as a vegetarian he could not do that. The doctor begged him not to be too hard on his son.

Gandhiji was faced with a dilemma. If his son had been grown up, he would certainly have consulted him and respected his wishes. As it was, he had to think and decide for his son. He had religious scruples in regard to the use of eggs, meat and the like. Should he then, in order to save his own life or the life of one dear and near to him, give up his religious conviction? "It is on such occasions that one's faith is truly tested," he said to himself. To the good doctor he said in all humility: "There should be a limit even to the means of keeping ourselves alive. Even for life we may not do certain things ... I must therefore take the risk that you say is likely. I cannot avail myself of your treatment." He would try some hydropathic remedies in which he had faith. Would the good doctor help him by examining the boy's pulse, chest and lungs etc. from time to time, he asked. For this assistance he would be most grateful.

The doctor agreed to his request. Gandhiji told Manilal what had passed between him and the doctor and asked him his opinion. Manilal welcomed the idea of being given hydropathic treatment. It was Haridas Vora, the would-be father-in-law of Gandhiji's eldest son Harilal, who had infected Gandhiji with faith in nature-cure. In a limited way Gandhiji had taken Kuhne's hip-baths with advantage to himself while in Natal. He began

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to give the same to Manilal. But the fever persisted. The temperature rose to 104°. What next? Should he send for another doctor, try an ayurvedic physician? He could not decide. It was night. Exhausted by the inner turmoil he lay down in the same bed as his son. Then a voice within him whispered: God would surely be pleased to see that he was giving the same treatment to his son as he would give himself. "The doctors could not guarantee recovery. ... The thread of life was in the hands of God. Why not entrust it to Him, and in His name, go on with what he thought to be the right thing to do?"[31] All of a sudden the turmoil within him ceased. He decided he would give the boy a wet-sheet pack. He felt the boy's body. It was parched and burning like hot iron. There was absolutely no perspiration. Soaking a cotton sheet in cold water, he wrung it and wrapped it round his son's body, keeping only the head exposed, and covered him with two blankets. To the head he applied a cold wet towel. Leaving the boy in charge of his mother, he then went out for a stroll on the Chaupati beach to refresh himself.

> It was about ten o'clock. Very few pedestrians were out. Plunged in deep thought, I scarcely looked at them, 'My honour is in Thy keeping, oh Lord, in this hour of trial,' I repeated to myself. *Ramanama* was on my lips. After a short time I returned, my heart beating within my breast.[32]

As soon as he entered his house Manilal called him, "Pull me out, Bapu, I am burning", he said.

"Are you perspiring?"

"I am simply soaked, please do take me out."

Gandhiji went up to him. Beads of perspiration stood on his forehead. The temperature was coming down. "A little more of it, darling," he said to him reassuringly, "and your fever will go."

But the boy could stand it no longer. "Pray deliver me out of this furnace. At another time again, if you please," he entreated.

Gandhiji managed to keep the boy in the wet-sheet pack for a few minutes longer by engaging him in conversation. "The perspiration streamed down his forehead. I undid the pack and dried his body. Father and son fell asleep in the same bed. And each slept like a log."

The next morning the fever was much less. From then on recovery was smooth and steady. It took full forty days during which Gandhiji kept him on only diluted milk and fruit juices.

Manilal grew up to be the healthiest of Gandhiji's sons. But Gandhiji refused to dogmatise.

> Who can say whether his (Manilal's) recovery was due to God's grace, or to hydropathy, or to careful dietary and nursing ? Let everyone decide according to his own faith. For my part I was sure that God had saved my honour, and that belief remains unaltered to this day.[33]

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13

Warned by Manilal's illness, Gandhiji set himself to look for a more spacious and better ventilated bungalow in the suburbs of Bombay. Helped by Reva Shankar Jhaveri, he found one in Santa Cruz. He purchased a first-class season ticket from Santa Cruz to Churchgate and later remembered "having frequently taken pride in being the only first-class passenger in my compartment". His South African clients kept him in work though he failed to find work in the High Court. He went to Pherozeshah Mehta for advice and blessing. That aristocrat of the Bombay Bar gave him a 'curse' instead, which he said might prove a 'blessing'. To quote Gandhiji, "He thought, contrary to my expectations, that I would be foolishly wasting away in Bombay my small savings from Natal." The Solicitors whom he saw said that he would have 'to wait long' before he could get any work from them. The Chief Justice, solicitous for the advancement of junior barristers, had established a 'moot' for their benefit, where they discussed hypothetical cases to whet their forensic talent. Gandhiji began to attend the 'moot', but seldom took part in it, owing partly to his innate dislike of academic thinking as so much waste of mental energy, but more perhaps due to his repugnance as a searcher for truth to legal hair-splitting, in order to prove that black is white and white black. He did, however, make a point of attending the hearing of cases in the High Court. But this again was "more ... for enjoying the soporific breeze coming straight from the sea than for adding to my knowledge. I observed that I was not the only one to enjoy this pleasure. It seemed to be the fashion and therefore nothing to be ashamed of." He began to make use of the High Court library and made several acquaintances. Gokhale, who had his own plans about him, called in at his chambers twice or thrice every week with friends whom he wished Gandhiji to know, and kept him in touch with his mode of work. In South Africa Gandhiji had resisted all attempts of the insurance agents to have his life insured. But his brother's reproachful remark that, in case anything happened to Gandhiji, the burden of looking after his family would fall on his elder brother had weakened his resolution somewhat. He had already sold his wife's jewels. he said to himself. Should his brother's fears come true, his family would have no reserve to fall back upon. So, when an American insurance agent laid siege to him in Bombay, he succumbed to his argument and took out an insurance policy for himself for Rs. 10,000. He had been able to meet his expenses from his office work and was looking forward before long to being able to secure work in the High Court, too, when, as had often happened before, God overruled all his plans and disposed them in His own way.

Gandhiji had promised before setting out for India that in case the Indian community in South Africa needed him within a year he would be

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ready to return. From Rangoon he had requested them, if they proposed to enforce that promise, to do so before his plans were settled. He had reiterated that request from Rajkot, saying that it would be gracious on their part to free him unless the promise was to be enforced in the near future.[34] No call had, however, come for several months. But then just as he was beginning to feel his way in Bombay, he received a cable from Natal, requesting him to return immediately. They wanted him to go first to London and thence to Natal. His children were then ill and he himself did not feel strong enough for the physical and mental strain that a visit to London and South Africa would involve. He replied saying 'no', unless it was absolutely necessary. Besides he was out of funds. They cabled back: "Committee requests fulfil promise—Remitting." So once more his plans were in the melting pot.

Gandhiji to Gokhale *November 14, 1902.*

When I was just feeling that I had settled down in Bombay I received a message from Natal asking me immediately to go there ... I think it is in connection with Mr. Chamberlain's approaching visit to South Africa. ... I propose to leave by the first steamer available. That would be probably the 20th instant.

The work in South Africa, Gandhiji guessed, would detain him for about a year. So he kept the bungalow and decided to leave his wife and children under the care of relatives and friends. Of the children, Ramdas and Devdas were not as yet of school-going age. Manilal was convalescing from his recent illness. Harilal and Gokaldas were to be sent to Rajkot to join 'the Kattyawar High School' as soon as Rajkot was free from the plague, and barrister Shukla was to find a suitable tutor to look after their education. "All I have to say to you then, is," Gandhiji wrote to his friend, "please look after the boys, look them up now and then, (and) induce them if you have no objection, to use your tennis court."[35]

Two friends—Devchand Parekh and Vanichand—had expressed their readiness to go to South Africa. If they were ready, Gandhiji wrote to Shukla, he would be prepared to do all he could for them. "South Africa can accommodate six Barristers, if not more and if some ... of the right stamp, were to come with one eye on their living and the other on public work, much of the burden may be distributed ... I am corresponding with another party too."

But as before none came. He did, however, induce four or five members of the Gandhi family to accompany him. One of them was Maganlal Gandhi, son of Khushal Gandhi, and Chhaganlal's brother. He had just appeared for the Matriculation examination for the second time. Eager to see Bombay, he had come there on Gandhiji's invitation. He was on the look out for a job in Kathiawar but had nothing in particular in view and was not sure whether he would get any.

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"Why not come with me to South Africa," Gandhiji said to him, when he presented himself.

"But as yet I do not know even the result of my examination," young Maganlal replied.

"What does that matter? What difference will success or failure in examination make to your knowledge or ability? South Africa is a land of opportunities. You will find ample scope for growth there."

"I would love to go with you. But is there time enough for me to go to Rajkot and obtain my father's permission?"

"We shall obtain Khushalbhai's permission by wire."

So a wire was sent to Khushalbhai to say that, if he and his wife agreed, Gandhiji proposed to take Maganlal with him to South Africa. Back came Khushalbhai's reply: Gandhiji could do whatever he thought best. And without even bidding farewell to his father and mother, Maganlal got ready to accompany Gandhiji to South Africa.

Gandhiji's father used to provide the means of living to such members of the Gandhi family as needed them, or find them jobs by accommodating them in State service. Gandhiji neither could nor would secure service for them. He wanted them to be free from the spell of service and learn to be self-reliant. He therefore encouraged them to emigrate and seek their fortunes abroad. This was his way in the altered circumstances of maintaining his father's tradition. But just as, in his own case, he had left the search for a living behind and begun the search for God, these youngsters also, who accompanied him to South Africa in search for a living, found themselves set on the path of service instead, in conformity with Gandhiji's ideals as those ideals advanced. Among them Maganlal became the foremost.

It was not without a pang that Gandhiji broke up his home this time and tore himself away from his wife and children. But he had by now learnt to cease to look for certainties in his life and was quite content to dance to His tune.

> I think it is wrong to expect certainties in this world, where all else but God that is Truth is an uncertainty. All that appears and happens above and around us is uncertain, transient. But there is a Supreme Being hidden therein as a certainty and one would be blessed if one could catch a glimpse of that Certainty and hitch one's wagon to it. The quest for Truth is the *summum bonum* of life.[36]

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CHAPTER XVII

SHAPE OF THINGS TO COME

1

TROUBLES CONTINUED to pile up for the Indian community after Gandhiji's departure from South Africa. Before the Boer War the Natal authorities had recruited Indian indentured labour for agricultural purposes only. Under the post-war acute labour shortage they needed labour for work in the mines as well. Hitherto not a single 'coolie' was employed in the mines without obtaining his consent first. Then, too, he was to work on the surface, it being specially stipulated that he would not be required to work underground unless he agreed to do so. For this he was given monthly two shillings extra for working on the surface and five shillings for working underground. Statistics showed that the number of Indian 'coolies' engaged in Natal collieries had risen from a mere 740 in 1899 to 1,200 in 1901, though it was difficult to say how many of them were indentured labourers. The number of natives employed in the mines also had doubled during this interval.[1] To keep down the growth of the free Indian population the authorities decided to recruit under indenture Indian labourers for work in the mines and instructed their Emigration Agent to take necessary action in that regard. On February 2, 1902 the Emigration Agent for Natal sought the permission of the Lieutenant Governor of Bengal to recruit indentured labourers for work at the mines in accordance with Rule 8-A framed under the Indian Emigration Act XXI of 1893.

The Governor of Bengal intimated the Government of India, that the change in the Emigration Act XXI of 1893 had apparently been made by the Natal Government without any reference to the Government of India but thought it was to the advantage of the emigrant. He, therefore, had no objection to allowing recruitment on the terms of the amended conditions of service.[2] Mr. Tucker, Under Secretary, Department of Agriculture and Commerce, while deploring the 'unfortunate invariable practice' of the Colonies 'not to consult us' before introducing changes in the condition of the 'coolie' emigration, was of the view that there was nothing in the Natal Ordinance, which the Government of India had accepted, to prevent employment of emigrant labour from India at the collieries, though emigration to that Colony at its inception was intended to supply labour for agriculture and not for mines. Mr. R. E. V. Arbuthnot felt that the Government of India could not approve the proposal without full information. Mr. J. B.

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Fuller (later of the Bengal Partition fame), Secretary, 'on the merits of the case' saw no reason why the 'coolies' should not work on the mines, if they were protected against undue risk and availed themselves of the extra wages offered, which he thought were reasonable enough. The Honourable Member, Denzil Ibbetson, agreeing generally with the Secretary's views, directed him to draft a letter to the Natal Government to request the Natal authorities to furnish the Government of India with a copy of their Act or Regulations for the protection of miners and the prevention of accidents in the mines.

They had, however, reckoned without their new boss. When all the papers were submitted to Lord Curzon, that proconsul queried:

> Is not Natal one of the Colonies in which complaint is being constantly made of the disabilities imposed upon Indians, concerning which we have protested to the Home Government, and they through Mr. Chamberlain to the Colonies? And if so, is there any reason why we should be so keen to meet the views of the Colony to the extent, even, of talking about what would be fair to Natal? Surely, what we have to look to is what will be fair to our people.[3]

He called for an old despatch, which they had sent on the treatment of Indians in South Africa in the days of Mr. Holderness, to see if Natal was mentioned therein.

After looking through the record Mr. Fuller informed His Excellency that the Government of India had received a memorial "by an Indian gentleman, a Mr. M. K. Gandhi, who practises at Durban as an Advocate and voices the discontent which is felt by his countrymen with the treatment they receive in South Africa". The memorial referred to affairs in the late South African Republics.[4] The Government of India, he went on to say, had formally drawn attention of the Secretary of State for India on 12th July, 1900[5] to the invidious distinction made between Indians and white Colonists in Natal. "The hardship the Indians underwent as a result of Indian Immigration Act and Dealers' Licensing Act was also referred to. Mr. Gandhi's second memorial dealt with them." Having stated this, however, the future Lieutenant Governor of East Bengal went on mitigatingly to plead that there had been "other more urgent matters to occupy the attention of the Colonial Government". He even deprecated the idea of a threat of restriction of Indian emigration as a means of compelling Natal 'to accord more liberal treatment to Indians'. He was doubtful whether 'it would be efficacious or justicious' to hold out a threat to that effect, and ended by shedding tears for the Natal coal mines. "We may ... also take into account the heavy losses which the owners of coal mines in Natal must have suffered within the past ten years. And there is the fact that Indian coolies are better treated, and make more money in Natal than in any other Colony except perhaps Fiji."

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Denzil Ibbetson went one better. While it was true, he wrote on April 2, 1902, that all local governments might prohibit emigration under section 12, "I think the Legislative Department would tell us that that would be a fraud upon the Act". Besides, if they told Natal that they must not use Indian labour in mines, and they decided 'to defy us', there was nothing he knew that the Government of India could do "unless our coolies were not properly protected from the danger of mining". The existing law in this respect was defective. "It might be well to amend it."[5] In the meantime they must go slow.

The Government of India asked the Natal Colonial Secretary for copies of Acts or Regulations concerning employment in mines in Natal. On the same day the Government of Bengal was advised not to interfere with the recruitment of labourers for work in mines in Natal until further notice. A copy of these instructions was sent to the Government of Madras also for information.

When the documents sent for were received from Natal, the Government of India on a perusal of those documents felt that the Natal mining regulations were adequate. The Government of Bengal was thereupon informed that the Government of India considered that no further action in the matter need be taken.[6]

The Natal authorities were thus successful in obtaining Indian indentured labour for work in the Natal mines. They could hardly have then imagined that the labour thus introduced would one day by joining hands with the Indian *Satyagrahis* become the decisive factor in the final struggle against the Black Acts which resulted in the abolition of the system of indentured labour itself. For the time being the white Colonists' success only whetted their appetite for more.

2

The first batch of immigrant labourers to arrive, after £ 3 tax on time-expired indenturers who stayed on without renewing their indentures came into operation, was due to come out of their five-years' indenture in October 1901. The possibility of some of them settling in Natal as free Indians filled the Colonists with alarm. Scenting in the Government of India's acquiescence in their demand a pro-Colony attitude, the Natal authorities next demanded that the children of ex-indentured labourers too should be subjected to a £ 3 tax like their parents to prevent their settling in the Colony as free men. For how could the children of slaves or ex-slaves be regarded as otherwise than slaves? For this they presently got a God-sent opportunity. While going through the record of the correspondence with the Department of Indian Immigration, Mr. Labistour, the new Attorney-General of Natal, found that the Government of India had claimed the right

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of free passage to India for the children of Indian indentured labourers who on the termination of their term of indenture wished to be repatriated thereby by implication accepting for the childern the status of their parents in the sense of their being bound by the Act just like their parents. The Indian Immigration Act (Law No. 8 of 1895) had taken no notice of such children, who would grow up as free and uncovenanted children under no obligation of service, and there was, therefore, no provision under the existing Natal Law for a free passage to India for such children. Fastening upon it, the Natal Government in April 1902 published in the Government Gazette a Bill to amend the Indian Immigration Act with a view to bringing under the operation of the £ 3 tax all children, not only of Indian parents who might be recruited after the passing of the new Act but even of those who were serving under indenture at the time of the passing of the Act, "whether such children have been born before or after the arrival of their parents in Natal". The Act would not apply to children of "indentured coolies who shall have attained the age of majority, that is to say, in the case of males sixteen years and in the case of females thirteen years, before the date of the taking effect of the Act," or to any 'lawfully begotten' child born in Natal of a father who was not at the time of its birth subject to the £ 3 tax or to any later descendants of Indians whom the Indentured Law applied. But it would apply to children born to an indentured woman, who was married to a free Indian according to the religious rites of her faith but whose marriage was not registered and was not, therefore, recognised in the Colony.

This meant that every Indian child to whom this Act applied would, upon attaining the age of majority, be obliged (a) either to go to India at the Colony's expense, (b) or to remain in Natal under indentures similar to and renewable in the same manner as the re-indenture of his parents, (c) or, to take out year by year a pass or licence to remain in the Colony by paying a £ 3 tax, provided, however, that if such child attained majority before the completion of his father's or mother's (as the case might be) first or any subsequent indenture, the operation of this section would remain suspended until the completion of such indentures.[7] The free passage to India under (a) would, however, be forfeited if the father or mother, having completed a term of indenture during the child's minority, failed to return to India or to enter into a fresh indenture, or if the child did not go to India by the first opportunity available to him after attaining the age of majority or after the end of term of indenture entered into by him.

When the £ 3 tax was first imposed on ex-indentured Indian labourers, it had been argued in its defence by the then Attorney-General that since those who in future would come to the Colony under indenture would have known of this condition, they would be coming of their free choice with open eyes. The imposition of the £ 3 tax would, therefore, involve no injustice to them. But what about the children born to parents who were serving under

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indenture at the time of the passing of that Act? Surely they did not come into the world with a fore-knowledge of the fate that awaited them. To put them under a crippling handicap by virtue of their parentage was monstrous to say the least.

3

The news about the second reading of the Bill appeared in the *Times of India* of April 10, 1902. Gandhiji was at this time in India. Knowing how swiftly Bills could become the law of the Colony in Natal, without waiting for the full text of the measure he pointed out in a letter to the editors of that journal that the object of the latest Bill was "in a measure intended to accomplish what the (Natal Government) delegation failed to do in 1893".[8] In 1893 the Natal delegation had wanted a £25 tax, Lord Elgin had agreed only to £3. Now, an indentured Indian who had seven children (by no means an uncommon occurrence) would be liable to pay £24 per year, a thing that would be absolutely beyond his capacity: "I shudder to contemplate the evil effects of such a measure on the moral tone of the community which is called upon to pay such heavy penalties for the mere permission to exist in the country to which they have been actually invited or, shall I say, allured."[9] On receiving papers from Natal, containing the text of the Bill, Gandhiji again wrote to the *Times of India* to protest against the iniquity of a measure which would require children of indentured parents, on attaining maturity, after they had received an elementary education in the Colony to serve at a rate of wages below the market-rate, "like well-built men as field-labourers from 'sunrise to sunset'." Shocking as this was, Gandhiji concluded, it was hardly worth while to examine the details of a measure "whose principle is repugnant to the ordinary rules of justice as it is known to those brought up under the British Constitution".[10]

With the post that brought the text of this bill also came the news that Indian children attending the schools in Natal were to be debarred from receiving the Coronation medals which were to be presented by the Government in June next to all European children attending the schools. The exclusion could not be based on grounds of economy, for the Indian children numbered only about 3,000 against 20,000 European children. "Evidently," commented Gandhiji, "the Coronation celebration day is to be marked out for the Indian children to realise as vividly as possible that the possession of a brown skin is a sure mark of humiliation and degradation in the estimation of the Government of the Colony".[11] In the columns of the *Englishman* he wrote: "Imperialism is on the lips of everybody, more especially in the Colonies. How to weld the different parts of the British Dominions into one beautiful unbreakable whole is a problem which

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the greatest British politicians of the day are endeavouring to solve, and yet, here is a Colony which is making invidious distinctions between one class of British subjects and another in a most aggravating manner." Characterising the attitude of the Natal Government as 'indefensible from every point of view', he drew attention to a recent statement by the Premier of that Colony in which he had said that to stop indentured emigration from India to the Colony would paralyse its industries.[12] Even Mr. Morcom K. C., the ex-Attorney-General of Natal, had protested against the Bill. The way in which the Colony was flooded with Indians for labour, Mr. Morcom had said, "might induce many undesirable circumstances but it was utterly impossible for the House, without disregard of justice or constitutional propriety, to deport these children who had the misfortune to be born in the Colony. The idea seems to be", Mr. Morcom had added, "to get all the advantages out of the system without regard to its drawback." So long as there were men in Natal like Morcom who were not 'blinded by prejudice', felt Gandhiji, so long would there be hope for justice being ultimately secured. Quoting another Natal Legislator, he asked whether it would not be "better by far to stop the further introduction of Indians altogether than to take what work you can out of them and then order them away".[13]

The insatiable cupidity and utter callousness of the white settlers in regard to the man who by the sweat of his brow had made the Garden Colony bloom, no less than the sheer iniquity of condemning innocent children to a life of unrelieved drudgery under inhuman conditions by virtue merely of the incident of their birth, roused Gandhiji's indignation to a white heat. He became uncommunicative and self-withdrawn, the set jaw and the smouldering eye alone providing a glimpse of what was raging within him. After the Bill had passed through the third reading in the Natal Parliament, he again reverted to it in an article, each sentence of which came down like a barbed whip-lash calculated to penetrate and quicken the numbed moral consciousness of the white Colonists no less than of his own compatriots and the rulers of India: "Without Indian labour in 1862 the Colony would have become bankrupt, if its own legislators have given us correct information. In 1899, as the whole world knows, without an Indian army, its capital and its port would have been in Boer hands. As a reward for all these services, the Natal Parliament has passed a Bill, imposing an annual tax of £3 on the children of indentured Indians ... unless, on attaining the artificial majority, they either deported themselves from the Colony or entered into a series of indentures during their stay in the Colony!" The parents' liability to pay the tax could not justify a similar imposition upon the children. The former at any rate were presumed to know the conditions under which they chose to accept very onerous conditions; it was their look-out. But were the children presumed to know any such conditions, he asked.

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> That they are born of such parents is no doubt a grievous misfortune. Unfortunately, they cannot help themselves. The parents, again, know what indentured labour is, they know what India is; but the same cannot be said of their children born in the Colony. To expect them, after they have, perhaps, received some education, and know its worth in the Colony, either to go to India or to accept a status described by the late Sir W. W. Hunter as that of semi-slavery, is cruel in the extreme.[14]

He had already moved the East India Association. He took up the matter with the Bombay Presidency Association also. On June 5, 1902 the Council of the Bombay Presidency Association submitted a memorial, drafted by Gandhiji, to Lord George Hamilton in the course of which they suggested that if it was "found difficult to restrain the self-governing Colony from riding rough-shod over imperial considerations and treating Indian subjects as aliens", it was high time that measures were adopted "to suspend state-regulated emigration from India to the Colony, the more so now, seeing that it is these very people who are touched by the Bill in question".[15] The memorandum was submitted over the signatures, among others, of Sir P. M. Mehta, President. D. E. Wacha, Hon. Secretary, and C. H. Setalvad and A. Yalgee, Secretaries.

The Government of India received this memorial from the Government of Bombay on June 24, 1902. As on so many previous occasions, they had no knowledge of the Bill referred to in the memorial. Lord Curzon, however, had seen Gandhiji's letter in the *Times of India* and the editorial comments thereon in that paper. Surprised, he pulled up the department concerned for its slackness. "The Department ought to have in their possession the letters to the *Times of India* during the past six weeks of Mr. Gandhi on the subject and the leaders in that paper upon them. I have often (been) told that the newspapers are supposed to be searched and extracted for the use of the Departments. But I can truly say that in not 5 per cent of the many cases, in which I have brought an important press statement to the notice of a Department of the Government of India has that Department ever heard of or seen the extract."[16]

On enquiry Mr. Hardy, officiating Under Secretary, found that the letters in the *Times of India* did not get beyond the Under Secretary Mr. Arbuthnot, who explained that "they were put up with another file and were not traceable". Denzil Ibbetson thereupon addressed a sharp admonition to the Department of Revenue and Agriculture. "The Department ... is particularly neglectful of its duty ... It is important that I should be kept *au courant* with public opinion on revenue matters." The officiating Under Secretary in his turn passed on the buck to his subordinates and directed his office 'to carefully note the above remark' and be more careful in future!

On July 17, the Government of India sent the memorial to the Secre-

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tary of State, saying they did not for the time being desire to express any opinion on the matter of the memorial. The following day the Government of Bombay's letter was acknowledged with the remark that the memorial in question had been forwarded to the Secretary of State. That closed the first phase of the ritual so far as official India was concerned.

In the meantime the second reading of the Bill was carried in the Natal Parliament on Tuesday April 8, 1902 with two dissentients, the only opposition being offered by Mr. Morcom, who objected to the principle that "children who are born in the Colony should be deported".[17] The Bill was duly passed by the Natal Parliament on May 21, 1902. Chamberlain sent the Bill to Lord George Hamilton, and the India Office passed it on 'for information' to the Government of India where it was received on August 2, 1902. On August 4, Mr. Arbuthnot Under Secretary advised that "we should object to its applying ... to the children of immigrants at present under indenture in Natal. It should only apply to the children of immigrants recruited subsequent to the passing of the Act". Also the provision relating to the forfeiture of the right of a free passage of a child, whose father or mother having completed his or her indenture during the child's minority did not renew the indenture or return to India, was open to objection and the term 'lawfully begotten' in clause 2 needed further explanation. On August 5, the Government of India intimated the India Office to that effect, and on September 12, the India Office sent it with necessary papers to the Government of India. Mr. Arbuthnot thereupon suggested that the Bengal and Madras Governments should be asked for an early expression of opinion in view of the notings on the Bombay memorial in June last and, in view of the great importance of the case, further consideration should be postponed till the arrival of the Natal delegation which was soon expected. But Denzil Ibbetson felt that there was no need to consult local governments as the Government of India had already accepted the principle of the Act of 1895 in their despatch of January 22, 1896 and the present Act was 'a perfectly legitimate expression' of that principle. He made no secret as to where his own sympathies lay. "It is clear that the same objections apply to the settlement of the children of coolies as apply to their (the coolies') own settlement. I confess that my sympathies are with the Colonists in their endeavour to keep as White Man's countries, as far as possible, the Colonies which they have developed by their own labour and energy. ..." And no wonder. Being an Australia born Colonial himself, he found nothing in the details of the Act to which they need take exception. "Its provisions are suspended so long as the father is under indenture, on the expiry of which the child is entitled to a free passage to India."[18]

Lord Curzon concurred with the Honourable Member of the Council, but made it clear that his signature did not carry with it "complete accept-

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ance of the principle enunciated by Honourable Member ...." On October 22, 1902 the Government of India informed the Secretary of State for India that they did not desire to take objection to the provisions of the new legislation which was based on an extended application of the principles which they had already accepted.

By the time the Natal deputation arrived in India, Gandhiji had returned to South Africa to lead a deputation of the resident Indians to Chamberlain. So, in the memorial to be submitted to the Secretary of State for the Colonies he insertd a paragraph in which he expressed the hope that the Bill in question would be disallowed by the Home Government. To Dadabhai Naoroji a few days later he wrote: "From what Lord Hamilton has said to you at the deputation (see p. 437) it is to be hoped that the Bill will be rejected",[19] not knowing that both Lord Curzon and the Secretary of State for India had already given in on that issue to the Colonial viewpoint.

4

The Natal Parliament in the same session passed another anti-Indian measure which became 'The Land Acquisition Act of 1902'. It enabled the Governor in Council to acquire by 'purchase, exchange, or by expropriation' any lands in the Colony which were deemed suitable for the "beneficent settlement thereon of persons of European descent", or which might be required "for such other public purposes as the Governor in Council may deem necessary". Indians had been protesting against being prevented in practice from acquiring by purchase land to which they were entitled under the law. Now they were threatened with expropriation of land already and for long in their possession. During the discussion of this Bill in the Legislative Council Mr. Angus strongly pleaded that the population affected should be given an opportunity of considering the matter before a measure of that kind was passed. Denouncing the measure as 'outrageous', which it would be 'sinful' to pass before the members of the House knew more about it, he moved that "the Bill be read that day six months". The Secretary for Native Affairs, however, defended the measure, saying that it gave them "a chance now they could never have again of settling a suitable population on the land, and of making Natal a White Man's country". In Committee, opposing the measure, Mr. Angus said that if the Bill was passed "there would be no security of title". Mr. Labuschange thought the Bill was 'too compulsory in tendency', and did not protect the landlord.[20] All this, however, proved of no avail. The third reading of the Bill was steam-rollered through Parliament and the Bill was sent to the Home Government for His Majesty's assent.

Since Gandhiji's departure from Natal the Natal Congress had steadi-

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ly lost in strength and prestige as a result of the widening rift between the Indian and the Colonial-born sections, Muslims and Christians, and the internal bickerings among the Congress leaders themselves. There was no lack of legal talent. Khan and Nazar were there. Nor was capacity for political action lacking. What was lacking was the deep humanity, concern for the poor and burning compassion for the downtrodden that had constituted the soul of Gandhiji's every activity. None of the Congress leaders took any interest in ministering to the sick and ailing in the Indian hospital for the poor; none cared very much for the lot of the Indian indentured labourer. The Indian community was once again divided into watertight compartments, each section self-centred and isolated from the rest as before. When the Indian Immigration Amendment Bill was gazetted, the Congress took little interest in it—presumably because it affected the indentured labourer and his children only, not the moneyed trading community—and within eight days of its first appearance it passed through the second reading. They woke up with a start when the Land Acquisition Bill was gazetted. They then sent a memorial to the Secretary of State for the Colonies in June 1902, protesting against both the Immigration Bill and the Land Acquisition Bill, which they hoped would not receive the sanction of His Majesty's Government, being a 'class measure'.[21]

The Natal authorities attached little importance to the memorial, which they denounced as 'not being a representative one'. Their enquiry had revealed, they wrote to the Government of India on September 12, 1902, that of the many signatories "only one was said to belong to the indentured class" and he was "a colonial born ... a clerk in Mr. Khan's office".[22] As for the complaint of the memorialists that the Bill aimed at 'expropriation of lands for European settlement' it was 'quite unfounded'. The whole object of the Bill was "to enable Government to put to a useful purpose the large areas of land now held by owners who are not turning the land to good account". Expropriation of lands already cultivated was never contemplated.[23] As regards the contention about the iniquity of a 'boy of 16 and girl of 13' being expected to do a well-built field-labourer's work from 'sunrise to sunset', the Protector airily dismissed it, saying it was very easy for the memorialists "to call a woman of thirteen a girl and a man of sixteen a boy when the law makes them of full age, and the Indians themselves make no objection to marrying girls of thirteen years of age or allowing their sons of sixteen to get married, so that as it pleases them, a female of thirteen is a girl or woman, and a male of sixteen years is a boy or man".[24] Besides it was not correct to say, the Protector added, that the only alternative to going to India was to pay the licence fee of £3; there was the option of re-indenture![25]

Could the Natal authorities have been allowed to get away with it like that in Gandhiji's time? Lacking the moral and spiritual content of Gandhi-

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ji's politics, the Natal Indian Congress received a setback from which it never recovered.

On September 13, 1902 Sir Henry McCallum sent all relevant papers to the Secretary of State for the Colonies, who sent them on to the India Office. On November 21, the Secretary of State for India sent the papers to the Government of India, saying that he had communicated to the Colonial Office "the views of your Government on the Bill to amend the Indian Immigration Act, 1895 as stated in your letter No. 67, dated the 23rd October last with an expression of my concurrence".[26]

5

Encouraged by the acquiescence of the Government of India in their demand for recruiting bonded labour for the mines, the Natal Government on March 1, 1902 got Governor Sir Henry E. McCallum to request the Viceroy to place Natal on equal footing with Ceylon, Burma and the Straits Settlement so far as legal restrictions in India were concerned.[27] This would have enabled Natal to receive Indian bonded labour on any scale they wished at a very cheap rate, whether for domestic purpose or any other purpose. Domestic servants, under the Indian Immigration Law (see p. 113) could not be recruited under indenture, but as free men only. The Restriction Act of Natal of 1897, on the other hand, would not allow any free Asiatics to be admitted save those who could comply with the education test prescribed by that Act (see p. 96). The Natal authorities had therefore only to remove the restrictions that came in the way of their obtaining labour which they could not do without. Instead they wanted the Indian Government to modify its laws to remove difficulties that were of Natal's own making.

The Government of India received the letter of the Natal Governor on April 3, 1902. The view taken by the Government of India officials was that, in the case of Ceylon, the dependency was historically, geographically and socially analogous to India; both Burma and Ceylon were being administered as an integral part of India, and the Straits Settlement after 1867 was a Crown Colony. In none of these dependencies was there any colour bar or racial legislation in operation and emigration to them was free from many of the evils to which emigration to more distant places was liable.[28] Natal, therefore, could not be put on the same footing with these dependencies.

Mr. Arbuthnot, Under Secretary to the Government of India, in a very comprehensive note pointed out how Natal had first got Indian labourers and subsequently introduced restrictions in order to harass the Indians there. The Supreme Court of Natal had no say in the functioning of the Dealers' Licensing Act which could drive any Indian trader into ruin. If

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the request of the Natal Government was acceded to by the passing of a special Act, exempting emigration to Natal from the provisions of the Indian Emigration Act XXI of 1883, these consequences would follow: (a) The elaborate system of the Indian Emigration Act would no longer be applicable. (b) It would be unnecessary for the Natal Government to maintain an Emigration Agent in India. Protector of Emigrants would have no concern with the treatment of emigrants to Natal. (c) They would not be compelled to provide accommodation for emigrants on the way and at port of embarkation (section 20). (d) The intending emigrants would not be compelled to be produced before a Registering Officer. (e) If an emigrant was ill-treated he could not claim compensation under the Act (section 52) nor, if he was unable to embark, would the recruiter be compelled to pay the expenses of the emigrant and his dependents back to his village (section 51). (f) The special regulations applicable to emigrant vessels (Chapter IX and X) would no longer apply; nor would the recruiters be compelled as they were at the time to recruit a proportion of 40 women for every 60 emigrants.[29]

Mr. Arbuthnot attached but little importance to the alleged advantages of emigration in providing an outlet for the excess population of India. The desirability of assisting the planter in Natal was a subsidiary question, he urged. What should weigh strongly with them was the undoubted prosperity of the few thousands who went to Natal. It was not during the period of indenture that they made money but by trading and cultivating after their period of indenture was over. Only if they were allowed a free hand after completing their term of indenture would it be worth while to encourage emigration to Natal, "provided that we can secure just treatment for the Indians who go there and provided also that they are not compelled to return to India so soon as their term of indenture is at an end".

The vital difference between the Straits and Natal, Mr. Arbuthnot concluded, was that Colonists in the Straits were anxious to receive the Indians as settlers while in Natal there was a general feeling that indentured immigrants should not be allowed to remain in the Colony after completing their term of service.

Denzil Ibbetson, Member of the Viceroy's Executive Council, minuted on May 19, 1902: "The Natal request must be rejected at once." Though he sympathised with the Colonists in their desire that Natal must be kept for white men, he felt that Natal's action had led to 'unjust treatment' and 'legislation with retrospective effect'. He felt the iniquity of it so strongly, he said, that even if it meant the total stoppage of Indian labour for employment in Natal, he would not regret it. "I would rather have emigration of the coolie class cease altogether than make it free." If they made emigration to Natal free, he warned, they could have no ground on which to resist applications for similar treatment by other Colonies and if they were to

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make such conditions with Natal as they made with the Straits Government, they should be 'practically powerless' to enforce their observance. The Straits Settlement being a Crown Colony, the Government of India could enforce their conditions through the Secretary of State. But the pressure that could be brought to bear on a self-governing Colony was very limited. On May 24, 1902 Lord Curzon gave his decision:

> What Natal wants is our labour but not our competition. They are willing to cringe for the one but they are stiff as adamant when it is a question of the other. I do not say that, in their own interests, they are wrong in either attitude. They are a self-governing colony; and we cannot expect from them altruistic emotions. On the other hand we are equally the guardians of the interests of our own people .... Natal asks in her own interests. We refuse in ours.[30]

On June 5, 1902 the Government of India sent its reply to the Natal Government rejecting its request.

In the meantime, pursuant to their request that Natal should be placed on an equal footing with Burma, Ceylon and the Straits Settlement, so far as legal restrictions on India on recruitment for immigration were concerned, the Natal Government on May 23, 1902 had written to the Viceroy proposing to appoint a Commission of two officers to proceed to India to discuss matters affecting Indian Immigration to Natal. The Viceroy in reply suggested that the commission might come either in October or in February next. Accordingly the Natal Government constituted a commission consisting of Mr. Henrique Charles Shepstone and Mr. Constance Brousse de Gersegny. Their directive required them among other things "to endeavour to secure a modification of the conditions applying to the emigration of Indian labour to Natal with a view to securing the termination of the articles of indenture in India".

6

In the Transvaal as in Natal after the war the tide of white prejudice had begun to set heavily against the Indians. Hitherto the Home Government had kept in leash somewhat the hostility of the white merchant class. The British policy now was to propitiate Boer racist sentiment in order to win Boer support for the Union of South Africa. The Transvaal Administration felt free to jettison its Indian Jonahs in pursuit of its political ends without much fear of intervention by the Home Government, and was not slow to take advantage of it.

Before leaving for England in May 1901, Milner had settled in advance the momentous step of replacing the military governorship of Johannesburg and the Rand by a civil administration. Municipal government, under the aegis of the Military authority, was established in Johannesburg in May

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1901 and in Pretoria in January 1902. In Johannesburg this took the shape of a nominated Town Council, presided over by Major O'Meara, hitherto Mayor and now Government Commissioner.[31] The task of creating the new administrative machine had proceeded apace during Milner's absence in England. Early in 1902,[32] Fiddes had to retire for reasons of health, his place being taken up by W. E. Davidson, who had been brought out in the latter half of 1901 to act as Assistant Colonial Secretary. Sir Richard Solomon was busy organising the administration of justice and revising the Statute Book. A Supreme Court was established in May 1902 with Sir J. Rose Innes, Attorney-General in the Cape Ministry that was formed after the fall of the Schreiner Ministry, as Chief Justice.

From the very beginning Chamberlain had not been in favour of making Pretoria the Capital and had disapproved of Milner's personal residence in Johannesburg in view of the great administrative inconvenience that the latter's absence from Pretoria was bound to cause. But Milner felt that his presence in Johannesburg was necessary to enable him to keep in close touch with the Johannesburg community, among whom the criticism of the administration was already beginning to make itself heard. To resolve the difficulty Sir Arthur Lawley, Governor of Western Australia and previously Administrator of Matabeleland, was appointed Lieutenant Governor for the Transvaal. He took up his appointment in Pretoria in September 1902.

Milner had brought with him a galaxy of brilliant university graduates —bachelors all, like himself—whom he had selected in Britain to help him in the execution of his plans for the development of South Africa. Nicknamed 'Milner's Kindergarten', by reason of their juvenile exuberance and inexperience, the group included Patrick Duncan, Colonial Secretary (1903-1906) and first Governor General of the Union of South Africa (1937-1943), whose son, Patrick, in 1953 joined Manilal Gandhi—Gandhiji's second son—in offering *Satyagraha* against the segregation laws of the South African Union; Geoffrey Robinson (Dawson) (1872-1949), later editor of the *Times;* and Philip Kerr (Lord Lothian), British Ambassador at Washington at the time of his death—a Christian Scientist who became a martyr to his creed. Later he made friends with Gandhiji and played an important role in persuading him to advise the Indian National Congress to accept power in the Provinces under the Government of India Act of 1935. Other members of the 'Kindergarten' were Lionel Curtis, who later became known to fame as the missionary of diarchy for India, and Dr. Porter M. D.

On assuming the office of Governor of the annexed territories Milner, while himself continuing for some time to stay in Cape Town, had sent some of his officials to Johannesburg to take charge of the administration. Of these Lionel Curtis became Acting Town Clerk of the Johannesburg Municipality and Dr. Porter Health Officer of the Johannesburg

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Town Council. Both of them were on the staff of the notorious Asiatic Department (see Chapter XV, p. 363).

We saw how soon after annexation of the Transvaal Republic the military administration, yielding to the clamour of the European business community, had begun to enforce the anti-Indian measures of the late Republic as it had never been done before and how, in terms of Law 3 of 1885, the Supervisor of the Indian immigrants had notified all Asiatics in Pretoria to move to the 'Coolie Location'. This served as a signal for the Johannesburg Municipality. The Brickfields location (Malay Location) had developed vastly as a trade centre since its establishment. Indians in this location were allowed to acquire stands and they had full title to them, the only restriction being that the stands could not be sold to any one except those of their class. Being near the Johannesburg Market Square, this location had become an eyesore even before the war to the European traders, who had earlier pressurised the Kruger Administration to issue orders for the removal of the location to Vatervall. But this did not suit the exigencies of British policy then. As a result chiefly of British intervention the expulsion order was not enforced against the Indians. Now that the British held all the power, the European traders resumed their attempt, that had been suspended during the war, to dispossess the Indians of their ownership rights in the Malay Location.

A week after the Supervisor of Indian Immigrants' notice, requiring the Indians in Pretoria to reside in the Indian location, the Medical Officer of the Johannesburg Municipality submitted a highly sensational report to the Acting Mayor of Johannesburg, drawing attention to the 'serious state of the sanitary condition' of the 'Coolie Location'. Dr. Porter, Acting Health Officer of the Johannesburg Town Council, the report stated, had after a detailed inspection of each stand found that all these rooms were in a 'very dirty condition', and so built that "in the case of an infectious disease occurring in them it would be almost impossible to disinfect them properly". The Medical Officer was 'perfectly convinced' that "no amount of attention could ever render this place in a sanitary state".

Outlining the plan of action that he proposed to follow, the Medical Officer proceeded:

> In the case of a stand being occupied and in my opinion unfit for human habitation, I intend having the floors sprinkled with disinfectant, and any large amount of rubbish removed and burnt, after which the entrances will be fastened and sealed .... and any one found in the stand after that will be prosecuted. In the case of owners of the stand residing in town, a notice will be served on them asking to prove within a given time why their property should not be shut up according to clause 45, Buildings Unfit for Human Habitation.[33]

His conclusion was that, while such places as the 'Coolie Location'

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existed, they were 'nearly sure to have bubonic plague spread extensively', and if once it appeared there was no telling where it might stop. He, therefore, recommended that proceedings be taken "at once to have the Coolie population shifted to the healthy site, and have them kept under regulations which will enforce a sanitary state".[34]

Simultaneously with the report on Brickfields location a report on Burghersdorp also was submitted to the Health Measures Committee. It was as alarming as the one on Brickfields. But Burghersdorp was inhabited by Dutch, Chinese, British, Africans and Cape Coloureds besides Indians. The health authorities found it difficult, the report ran, to keep the area 'up to the mark' because of the mixed population. They were afraid that the same stringent regulations as in Brickfields *could not be enforced* here *"without giving great offence to the white people who were* generally, if anything, *dirtier than the natives and certainly more difficult to control"*.[35] Obviously, the authorities were untroubled by any such qualms in the case of Brickfields location.

The Johannesburg Town Council, consisting mostly of businessmen, scented a cheap bargain for the Municipality and at its eighteenth ordinary meeting, held on September 18, 1901 decided on the strict enforcement of the location scheme recommended by the Health Measures Committee on 'sanitary grounds'. It further resolved to enter into negotiations with the Government for the transfer of sufficient land for three locations for Indians, Malays and Kaffirs, and proposed that "the principle of the Council undertaking the whole management of Locations not only as a Sanitary Authority *but also in the capacity of landlord"*[36] be approved.

On October 15, Mr. Lionel Curtis, Acting Town Clerk of Johannesburg, forwarded to Major O'Meara a rough draft of a scheme for the clearance of the great insanitary area at Fordsburg with the following significant remark : "If the plague appeared you would have to carry out this scheme at once; knock down the whole area and face the expropriation afterwards. The business would then be as expensive as things done in a hurry always are ... *it will be far more profitable to expropriate now, when everybody wants money, than in a year's time when business is in full swing and values will be on the increase."*[37] To make the proposal more palatable to the Burgomaster, Mr. Curtis added : "One of the points of the Location Scheme *not mentioned in the report (sic)* is that the greater part of the *labour required would be white labour* and the idea is that it might be used as relief works for the refugees whenever His Excellency is able to bring them back."[38]

When the question of the removal of the 'Coolie Location' was first mooted about a year earlier by Major O'Meara to Colonel Collin Mackenzie, the then Military Governor of Johannesburg, Colonel Mackenzie, knowing the attitude which the British Government had taken up on this issue

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before the war, had strongly objected to the expropriation proposal, as it stood, on the ground that, being restricted to Indians, it would be of the nature of class legislation. To overcome the ex-Military Governor's objection, Major O'Meara in his draft scheme now proposed inclusion (nominally) of some insanitary areas inhabited by Europeans also in the scheme.[39]

Acknowledging receipt of copies of the minutes of this meeting, Chamberlain on November 15, 1901 asked to be furnished with "a report on the Town Council proposals as regards the Indian Location", and called Milner's attention "to my despatch No. 177 of the 26th July last to which I shall no doubt receive an answer shortly". In this despatch, it will be remembered, he had asked Milner to be informed what foundation there was 'for the allegation of harsh treatment' of the Indians, contained in Sir Muncherjee Bhownaggree's letter of July 10, 1901 (see p. 368).

On January 3, 1902 Milner, recommending the action of the Council, wrote to Chamberlain that "the state of this location and its surroundings was such, in the opinion of the experts, as to constitute a grave danger". The procedure proposed by the Council was "that employed for dealing with insanitary areas under English legislation". It was not confined to the removal of the British Indians but involved also "a number of Kaffirs and a smaller number of white persons". There was, therefore, "no question of legislating for any particular class or people". In the same despatch Lord Milner informed Chamberlain that the Indian merchants' complaint about "the whole of the Anti-Indian legislation in the Transvaal" being enforced with a "rigour unknown before",[40] referred to in despatch No. 177, was "being considered by the Commissioner of Native Affairs".

This implied that the Indians were being classed with the Natives. Chamberlain thereupon asked Milner whether as a matter of principle it was desirable to place the Indians, "who under the Convention with the late South African Republic held an entirely different position from that of Natives", under the Native Department, or whether it would not be "preferable to deal with them through a separate official".[41] He also asked for details of the scheme adopted by the Johannesburg Municipality for the segregation of the 'Coloured people into locations'.

7

In the meantime the Indians had petitioned the High Commissioner in the last week of February 1902 against a separate Immigration Office for the 'Asiatics', disabilities in regard to trade licences, the granting of permits to the refugees to return to the Transvaal, restrictions on railway travel and *apartheid* on racial lines at the Post Offices.[42] On March 10 they received the reply from the Private Secretary to the High Commissioner that it was 'inconvenient' to disturb the arrangement inaugurated by the Military

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Governor by which short-term licences were of late being issued to Indian traders; "annual licences would be issued as soon as practicable". The number of permits for the return of the refugees to the Transvaal also was being regulated by the Military authorities, and the Administration, therefore, was not concerned with it. As for railway travel, the Military authorities at Pretoria were responsible for the orders about the issue of tickets, and it was "not practicable to interfere with their regulation at the present time!" As for the complaint about the treatment accorded to the Indians at the Post Offices, there was already "a special counter, in charge of a Hindu clerk", at the Johannesburg Post Office for the transaction of postal business with 'natives of India'. Finally, in regard to a separate Immigration Office for the Indians, the petitioners were told that there was

> no desire to class Indians with African aboriginals. The offices for control of each are quite distinct, though under the administration of the Commissioner for Native Affairs.[43]

This Commissioner for Native Affairs was none else than Sir Godfrey Lagden who had been appointed to this post when the Military administration inducted civilian officials to take over certain departments. As early as 1901 he had supported the Military Governor of Pretoria when the latter had forced the city's Indians into locations. It would be 'intolerable', Lagden thought, "if the comfort and convenience provided for higher civilisation were to be seized and invaded by a lower stratum who had no natural desire to do so" but were "inspired by philanthropists and professional agitators". He was prepared to grant exemption to 'upper class Indians' from some of the Asian restrictive laws but was of the opinion that "the lower castes who form the mass" were "as a rule filthy in habit and a menace to public health". To admit them freely into the life of the civilised thoroughfares would, he felt, be "as detrimental to themselves as it would be exasperating to civilised communities". He had no patience with those who suggested that they could be limited for residence but not for trade. "I am ... persuaded that permission to open shops anywhere and everywhere would be abused by evasion of regulations binding them to reside for sanitary reasons in places set apart."[44]

Other members of Milner's Administration being likewise invited to express their opinion, W. Wybergh, the Commissioner for Mines, went a step further. He propounded his philosophy of *apartheid* for the Indians as follows:

> We do not wish, in the interests of the Indian, to make him a fifth rate copy of an European, but rather develop him on his own lines. In short .... it is both just, advisable and practicable to adopt this policy, and to recognise frankly the fundamental differences between European and Coloured races.

In terms of this philosophy Wybergh recommended that "within the

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European quarter no Asiatic should be allowed to reside or carry on business in person and the same should apply to Europeans within the Asiatic quarters". Similarly, "during the night no Asiatic should be permitted within the European quarters and *vice versa*". He wanted the Municipal and mining areas to be clearly divided into watertight European and Asiatic zones. No Asiatic should be allowed into the High Veld, but significantly he did not want any restriction on the investment of capital. "Public vehicles should be divided into those for Europeans only and for Coloured persons only and the use of these vehicles strictly confined to the two classes respectively."[45]

Patrick Duncan, the Colonial Secretary and would-be Governor-General of the Union of South Africa, while sharing the Administration's view that it was 'of paramount importance' that as large a white population as possible should be induced to settle in the Transvaal, was emphatic that Indians should be employed only in such parts as required for their development a population used to tropical climate, "but at a higher level of intelligence than the native tribes". Such Indians, however, whether indentured labourers or free settlers, should be restricted to certain districts set apart for them. "The fact that Indians are subjects of the British Empire," he wrote in a confidential memorandum, on February 14, 1902 "cannot justify, and ought not to entail encouragement of the free outflow of the Indian population into the Transvaal, except where the immigration is in the interests of the Colony."[46]

The Lieutenant Governor, Sir Arthur Lawley, was no less biased in his outlook. While conceding that in the eye of the law coloured and white were equal, he maintained that there was not 'one man in a hundred', who would agree to recognise the coloured man as capable of admission to the same social standard as the white. "I do not urge that these sentiments are reasonable, but they imbue the mind of every white South African ... An attempt to ignore them would be attended, I feel sure, with most deplorable results."[47]

W. E. Davidson, the Assistant Colonial Secretary, placed special stress on the 'sanitary control' of the Indians, owing to the "peculiar and often offensive and sanitarily objectionable habits and customs". To regulate immigration he recommended that every Indian should be required to carry an identity card which would be subject to an annual check. Every male would be compelled to register and all existing licences would be called in and new ones issued with provisions for identifying licence-holders.

These were his officials whom Milner, on taking over charge of governorship of the annexed territories, consulted and these were the suggestions they made in a series of memoranda for future Government policy towards Indians. Their policy suggestions may be summed up as: (1) Special bazaars for both residence and trading for 'the lower castes' (Lagden); (2) strict

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apartheid with provision for 'separate development' in areas set apart for the two races "where each would be allowed to develop on its own lines" (Wybergh); (3) restriction of Indians to those parts of the country which were unhealthy and unsuited for white occupation (Patrick Duncan); and (4) strict 'sanitary control' of Indians; and compulsory registration with provision for identification by means of identity cards which would be subject to an annual check, to control immigration (W. E. Davidson). Here are all the ingredients of an outlook and policy which culminated later in cutting the painter by South Africa, and the progenitors of it were, be it noted, not primarily Boers but Britons, but in the bulk British officials.

These views more or less accorded with Milner's own. "An Imperialist out and out", as he described himself to be, he was no believer in racial equality. "A political equality of white and black,"[48] he declared, "is impossible. The white man must rule, because he is elevated by many many steps above the black man; steps which it will take the latter centuries to climb, and which it is quite possible that the vast bulk of the black population may never be able to climb at all."[49]

The stage was set for Milner's declaration of his post-war Indian policy.

8

On April 3, 1902 Milner came out with his post-war Indian policy, which gave a new lease of life to the time-worn Law 3 of the Boer Republic. The future executive council, he telegraphed to Chamberlain, had after big debate adopted unanimously a scheme to be submitted to the Home Government for approval.[50] The salient features of this scheme were: (1) All Asiatics whether old or new residents, unless especially exempted, to be required to take out certificates of registration, renewable annually at a charge of £ 3. (2) Registered Asiatics, unless living on the premises of a European employer, to reside and carry on their business in special quarters of town set apart for the purpose, and under regulations framed for their benefit. The site of these townships would be determined by the Governor, and their control for sanitary purposes would be exercised by the local authorities, in accordance with Municipal regulations approved by the Governor. (3) Asiatics "possessing a certain degree of education and civilised habits of life" to be exempted from registration, and those granted such exemption to be relieved from the operation of all laws relating exclusively to Asiatics.

In addition to the above the majority of the Council also resolved that the law prohibiting Asiatics from owning property should be repealed, but the right of Asiatics to acquire such property should be restricted to town areas for a period of five years. The object of this restriction, it was explained, was not to "further increase the difficulty besetting the intro-

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duction of desirable settlers upon the land by allowing Indian or Arab merchants to buy land ... for speculative purposes". The minority of the Council were, of course, in favour of "greater restriction upon the right of acquiring land or houses".[51]

The whole idea behind the Town Council's plan was somehow to dispossess Indians of the ownership rights they held in the location. 'Sanitary grounds' was only a pretext for expropriation. In Milner's next despatch even the pretext of 'sanitary grounds' was dropped, and no secret was made of the real intention behind exemption from registration of "Asiatics possessing a certain degree of education and civilised habits of life", which was to drive a wedge between a handful of wealthy Indians and the bulk of the Indian community. The despatch also revealed why, in spite of repeated reminders by Chamberlain and the India Office, the question of grant of permits to Indians, desirous of returning to the Transvaal, and redress of their complaints of harsh treatment had been kept hanging for so long. The Transvaal authorities wanted to secure the Home Government's clearance for their anti-Indian policy first.

The Colonial Office officials reacted very sharply to these proposals. Minuted Lambert, one of the principal clerks in the South African Department, that Milner's proposals amounted practically to the retention of the S.A.R. laws, "and I do not think that they foresee a basis which we can accept". The £3 registration was quite contrary to their settled policy often laid down. It subjected the Indian to special class legislation instead of checking him under a general immigration law, which did not refer to him by name, at the ports. Insanitary habits could justify locationing, provided such Asiatics as had a higher level of civilisation were exempted. "But Milner also proposes to make them trade in locations. This is certain to be felt as a grievance, and in fact was so under S.A.R. I do not quite see on what ground we can refuse to let the Asiatic trade where he likes." As for the ban on the Indians holding land, it was both unjustified and infructuous.

Milner had contended that this was needed for the success of his land settlement scheme to secure a permanent predominance of the British element in the annexed territories. But, urged Lambert, if Land Settlement had any chance of success it could hardly be affected by this. "If the Indian is rich he will buy up land all the same through some white man of straw. If not, his speculations cannot matter much."

Going to the heart of the matter Lambert added:

> All these instructions are really prompted by the trade jealousy of the European storekeeper .... Lord Milner and his officials feel the pressure of local opinion but fail to see the difficulties which a Government which lives in the House of Commons and is responsible for India has to face.[52]

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Lambert also wanted Milner's suggestions for O. R. C. where by existing law Indians were practically excluded.

H. W. Just who held the rank of Assistant Under Secretary of State in the South African Department, supported Lambert. Only in the case of those Indians who were required to reside in locations could the disability to hold land except in locations be justified. But Indians ought to be allowed to trade where they liked at any rate until there was representative Government. "But for the present it would be impossible ... to come down in one leap to the position which is advocated in this telegram."[53]

Impatient at the delay, Milner again telegraphed:

Milner to Chamberlain *20th June 1902*

It is becoming increasingly difficult to deal with the demands of the Indians to return until we know what we are going to do with them. If the system of separate townships is adopted for all Indians not living with their employers and not exempt on the ground of superior civilisation, it ought to be adopted from the first. In that case I believe that I shall have no difficulty. The bulk of the Indians do not object to separate townships if properly situated. *The better class Indians will be on our side because of their own privileged position and European sentiment on the subject will be conciliated.* But if we once allow the lower class of Indians to live where they please it will be more difficult afterwards to bring them together.[54]

In other words, Milner was not prepared to allow Indians to return to the Transvaal unless they were restricted to locations both for the purpose of *residence* and *trade* which the Imperial Government had in the past consistently denounced under the Boer regime, as a violation of Article XIV of the London Convention.

To Milner's chagrin Chamberlain reacted very strongly to his proposal and Lord George Hamilton, concurring with Chamberlain's views generally, added some more points of objection on his own.[55] On August 6, 1902 Chamberlain telegraphed back :

> In view of the responsibility of His Majesty's Government, for the King's Indian subjects, it would be impossible to defend in Parliament what is, except for the exemption of better class Asiatics, practically a continuance of the system of the late South African Republic against which we so strongly and repeatedly protested, and which was moreover contrary to the settled policy of His Majesty's Government. We must limit our measures to those which can be justified on sanitary and other reasonable grounds.

As to the proposal for locations for Asiatics, Chamberlain thought that they could perhaps justify them on sanitary grounds for the purpose of residence but he doubted whether they could properly prohibit business outside the locations. In regard to the restriction on acquisition of real property "the reason given in your telegram ... seems defective. Indians and

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Arab merchants are not the only persons likely to buy land and hold it up for speculation purposes." Could not the object aimed at be attained more effectively 'by legislation applicable generally', he asked. "Of course. Asiatics living in locations might be prohibited from acquiring real property except within the locations." But if they were carrying on business outside, the Secretary of State for the Colonies urged, they should be permitted to acquire property on the site of shop or business premises, and when 'better class Asiatics' employed Indian servants, the latter should not be compelled, "except for definite sanitary reasons to reside in locations apart from employers".[56] Finally, Chamberlain queried whether the law, whatever it was, should not be the same for both Colonies.

The brusqueness of its tone notwithstanding, the ambivalence that marked Chamberlain's despatch took away much from its value for the Indians. His objection to Milner's location scheme, as any one can see, was not so much on the ground of principle as of expediency. He opposed Milner's proposal as it would be 'impossible to defend it in Parliament'. He criticised the policy enunciated by Milner "as a continuation of the policy of the late Boer Government", but he had no scruple if the goal of that policy was attained by indirect means. To this end he even suggested an Immigration Restriction Act of Natal type for the Transvaal also. The segregation of the poorer class of Indians in locations could plausibly be justified on sanitary grounds. So he accepted it. Similarly he had no objection to the imposition of restrictions on the acquisition of real property, if this was done 'by legislation applicable generally'.

9

Still another jolt was needed to shake Milner's Administration out of its indifference in regard to the return of the Indian refugees to the Transvaal. It was triggered by a communication that Chamberlain received from Lord Lansdowne, the Foreign Minister, in March, 1902. At the beginning of 1902, when the prospect of the return of refugees to the annexed territories began to open out, the Moslem refugees resident in Durban, addressed a letter to the Grand Mufti of Egypt before returning to the Transvaal which was then under Martial Law. After Chamberlain's statement in Parliament, that the legislation of the South African Republic would 'as far as possible' be adopted by the Imperial Government, they were apprehensive, they wrote, that all the disabilities that they were subjected to in Kruger's Republic relating to the use of footpaths, trams, horse-carriages, and railway travel etc. would be reimposed. "The unhappy Moslems rejoiced at the victory of the British," they protested, "but that was when they thought that the law would be changed and that the Moslems would enjoy liberty, equality and justice." Invoking the Khedive's aid, they ex-

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pressed the hope that "His Highness's wards would obtain a hearing from the hero of Khartoum (Kitchener), from the Governor Lord Milner and from the great just man, the Sheikh of freedom, Mr. Chamberlain".[57] They also requested that the Khedive be moved to present sixty copies of the Holy Koran to the Moslem schools.

On March 6, the Earl of Cromer, the British Agent at Cairo, reporting to Lord Lansdowne the visit that he had received from the Grand Mufti, enclosed to him an English translation of the Grand Mufti's original letter, which was in Arabic, and asked for his approval for the reply he proposed to send. It was to the effect that the apprehensions entertained by the Moslems of South Africa were groundless;[58] that he was convinced that under the rule of His Majesty's Government 'strict and impartial justice' would be administered to all classes, irrespective of nationality and creed, and that 'he felt certain' that the statement as to the re-establishment of the Boer laws was 'wholly incorrect'.

But Chamberlain knew better. When the matter was brought to his notice by Lord Landsdowne, while approving generally the terms of the proposed reply, he wrote back that, with things as they actually stood in the Transvaal, it would be difficult to convince the Grand Mufti that there was no ground for the complaint, especially in view of the Indian policy outlined by Milner in his recent correspondence copies of which, he directed, be confidentially communicated to Earl Cromer. In view of that correspondence, his directive ran,

> it would be scarcely possible to assure the Grand Mufti that the apprehensions of the Moslems of South Africa are groundless; but I am to suggest that, if the Grand Mufti again addresses Lord Cromer on this subject, it would be well for His Lordship to make some general reply to the effect that His Majesty's Government who have sincerely at heart the welfare and contentment of people of all races and creeds living under the rule of His Majesty the King, are in communication with Lord Milner on the subject.

As for the copies of the Koran, he suggested that they should be addressed to the care of High Commissioner for South Africa who would distribute them through the religious heads of the community for whom they were intended.[59]

A soothing reply was accordingly sent to the Grand Mufti. In the meantime Milner's officials went ahead with the locationing of the Pretoria Moslems (see pp. 364-66). The Grand Mufti's protest coming on top of the growing pressure on the Colonial Office by the India Office and the friends of India in Parliament had, however, the effect of expediting somewhat the granting of permits to the Indian refugees who wished to return to the Transvaal.

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10

When the Indians came to know of Milner's view they held a meeting in Johannesburg under the Chairmanship of Sheth Abdool Gani of Messrs Mahommed Cassim Camroodeen & Co. The meeting unanimously resolved to protest against and oppose by all constitutional means the proposal of the Administration to establish separate bazaars for Asiatics and to enforce segregation in respect of Indians generally. It further resolved that a deputation should wait on Lord Milner and present a petition against all legislation detrimental to the interests of British Indian subjects in South Africa and a Vigilance Committee should be formed to take such steps on behalf of the Indian community as they might think fit for the protection of their interests.[60] Copies of these resolutions, signed by Sheth Abdool Gani as Chairman of the British Indian Association, were forwarded to the High Commissioner, and Messrs Abdul Gani, E. Aswat and others were elected to the Vigilance Committee.

In London on October 21, 1902 about 40 Indian gentlemen and British sympathisers with the Indians assembled in a 'breakfast meeting' at the Westminster Hotel[61] on the invitation of Sir William Wedderburn, Chairman of the British Committee of the Indian National Congress. Dadabhai Naoroji presided. The gathering included Sir M.M. Bhownaggree, W. S. Caine, Sir Charles Dilke and Mr. Herbert, M.Ps, Sir George Birdwood, W. C. Bonnerjee, and Dr. Clark. In his opening remarks the Chairman, recalling Macaulay's celebrated words that if a slave but touched British soil his shackles fell, expressed surprise and sorrow that the shackles, which bound their distressed fellow countrymen in the Transvaal while they were under the Boer regime, had instead of breaking down become even more grievous now that they lived under the British flag. It was a strange thing, he remarked amid cheers, that the British people "with their advancement, their civilisation and their promises", had not removed those disabilities. It was enough "to make any Englishman blush to think that they were still enforced in the name of Britain".[62]

Mr. Bonnerjee proposing that a petition be presented to Parliament, the draft of the petition was placed for discussion. William Digby suggested an alteration in the wording of the second paragraph which read: "That the grievances suffered under the late Government were of a serious kind, British subjects including those of a superior social position and education being made subject to local regulations framed for the tribal races of Africa, etc."[63] Ultimately the paragraph in question was amended so as to read: "That the grievances suffered under the late Governments were of a serious kind, bearing with special hardship upon those of a superior social position and education." Dr. Clark, a noted pro-Boer, who had been especially invited to the meeting made some of the British sym-

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pathisers squirm by pointing out that the disabilities the Indians suffered under the Boer Administration arose from British merchants having appealed to the prejudices of the Boers. When the Bill was brought into the House of Commons to give Natal self-government, he recalled, he had moved an amendment with the object of imposing some limitations on the power of the Colony to take away the franchise held both by natives and Hindus. But Sir Henry Holland (afterwards Lord Knutsford) had resisted his amendment on behalf of the Government, saying that the alleged danger of injustice was removed by the provision under which any change in the Franchise Law would be subject to the Imperial veto. Yet only a few years had elapsed before Chamberlain assented to Bills of disfranchisement passed by the Natal Legislature. In regard to the British Indians in the Transvaal he urged that, since the British Government in the past had contended that all rights and privileges accruing to Europeans also attached to British Indians, "if there was any honour or consistency left" effect should be given "to the view we then took, now that the matter was in our hands exclusively". It was 'a criminal Act' of Chamberlain to sanction the Natal laws of which they complained after what his predecessor had promised. They must agitate against Natal legislation, he concluded amid applause. "which ought never to have been allowed and which His Majesty's Government could, and should have vetoed long ago".

Mr. S. S. Thorburn I.C.S., of the Punjab Land Alienation Act fame, remarked that "if we did not give British Indians their rights in South Africa we stood condemned as liars, hypocrites, and cheats through the world'.

Sir M. Muncherjee Bhownaggree then moved a resolution requesting the Secretary of State to receive a deputation. Sir George Birdwood warned that they must be prepared and not be surprised to find that every Briton in the Transvaal was against them. The only fault he had to find with the memorial was that "it was too mildly expressed, he would like some expletives added (laughter)" The matter was one striking at the very root of the Empire and he could not think of it, without feeling "indignant, restless and humiliated as a Briton". There was "a wireless telegraphy between the seen and the unseen", he concluded, amid loud cheers. "A great transgression of this sort could not endure. Woe to a nation when an afflicted people had to appeal to God for the justice and sympathy which were the strongest attributes of His eternal reign." After Sir Charles Dilke had seconded the resolution and Mr. Caine supported it, the draft of the petition as amended was unanimously adopted.

It was this meeting that Gandhiji had been requested by Messrs Nazar and Khan, on behalf of the Indian community in South Africa, to attend and which he had felt himself unable to do.

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11

In accordance with the proposal put forward by Sir Muncherjee a joint deputation of the British Committee of the Indian National Congress and British Indian Association, led by Sir Charles Dilke, waited on Lord George Hamilton in the first week of November 1902. The deputation included Sir M. M. Bhownaggree, Dadabhai Naroji and Sir William Rattigan. After Sir Charles Dilke had introduced the deputation, Dadabhai Naoroji said that they had come to ask for 'protection from the oppression and disabliities' under which the Indians were suffering in the newly acquired Colonies. Sir Muncherjee detailed the Indian grievances in regard to the footpath regulations, £ 3 annual poll tax and restrictions on railway travelling except in the third class which had been applied to Indians of the professional class as well as to the poor Indians.

In an extremely sympathetic reply Lord George Hamilton explained that when they first went to India they found that it was a country with "a vast population, a civilisation older than our own, with literature and history of which any nationality might be proud", and it was because the Colonists had not realised the great distinction between the natives of India and their past and the lower forms of coloured races with whom they came in contact that they made their restrictive legislations against all persons who were not white. He cautioned them against taking without a grain of salt the reports from South Africa about the old regulations of the late Republic being uniformly and rigidly enforced against the Indians which Lord Milner's Administration had led him to believe were exaggerated. He even insinuated that Gandhiji had misled him—though perhaps unintentionally.[84] What he would ask the deputation was, he said, that they should supply him with specific evidence that the old legislation had been 'uniformly and rigidly enforced'. To his knowledge the British officers in authority both in the Orange Free State and in the Transvaal had "an inherent dislike to enforcing the regulations as against Indian settlers" and his correspondence with the Colonial Office also had given him the same impression. While they could in reason assent, he continued, to any proposal to locate 'coolies' or Indians of that class in one particular locality and any regulations that might be justified on sanitary grounds, he thought they should have power to carry on their business outside that locality; otherwise it was quite impossible for a man engaged as shopkeeper or in any particular trade to do business if he was confined to that particular location in which he was compelled to sleep. Persons of position and education should be exempted from being required to live in a location and from any restrictions 'which might necessarily be applied to those of an inferior social grade', and in the case of these gentlemen, their servants also should be exempted from those restrictions. Those were the objects they could legitimately

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press for and for which he would endeavour to strive. He felt very strongly on this matter, he said. He was altogether opposed to the idea of anything like an annual tax, it was a poll tax which ought not to be enforced. If any administration objected to people coming in, the objection ought to be raised at the port of entrance; but to allow people to come in and especially to tax them seemed to be 'altogether contrary' to the whole spirit of British institutions.

Recalling the manner in which the Indian stretcher-bearers had faced death in carrying off the wounded from the field and their general behaviour during the recent war, he remarked that this fairly entitled them to much more considerate treatment than the white settlers had hitherto accorded to them. There were certain interests in South Africa which, they were told, required imported labour. He did not like to make use of threats, he continued, but after consultation with the Indian Government, if there was a disposition to treat the people in the way which had been described, it would be a matter of serious consideration whether or not the Government should put some legal obstacles in the way of their receiving the assistance of such labour. There was going to be a great Darbar on January 1, to which the Indian Government had deliberately invited all great self-governing colonies. He hoped that, if the representatives of the self-governing colonies who had been asked by the Government of India to it, "saw the grandeur of the architecture of India and the extent to which their civilisation had developed", they would at once come to the conclusion that they were not justified in attempting to legislate against Indians as they had done against all coloured races, and that a differentiation should be made in the future. The task before them was a difficult one, he concluded. What they had to do was to be firm. They could rely upon him to do all in his power to further the objects they had in view.[65]

12

Publication of the report of the 'breakfast meeting' and Lord George Hamilton's reply to the Indian deputation in the Natal Press greatly perturbed the South African whites, who redoubled their agitation against the Indians. In a meeting held at Booysens, it was decided to form a 'White League'. The subscription was one shilling per month. At Fordsburg on October 10, 1902 Mr. Macfarlane, Chairman, told a gathering that the Chamber of Commerce had taken the matter in hand and a proposal was afoot to segregate Asiatics to locations. The meeting objected to 'the Asiatic being dumped down among white people'.[66] Mr. Zeffert in moving the resolution of protest against the granting of licences to Asiatics "as contrary to the law as laid down by the High Court in 1898", said that the Asiatics should not be allowed to hold land either. The resolution was adopted. The

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Fordsburg Association converted itself into a branch of the White League 'as the Asiatics affected non-traders too'.[67]

On October 27, the Volksrust Chamber of Commerce recorded its protest in respect of a 'coolie' having been granted a licence after he had been refused one at Volksrust in terms of the Law. The Chairman F. J. Fischer, in the course of his speech said that he believed they had "lighted a fire that was going to spread throughout the whole of South Africa". Their Government must do one thing or the other. They must either abrogate the law, or they must see that their servants, the Resident Magistrates of the various districts, carried it out. They were not going to see the result of their hard work "frittered away and stolen from their children by the coolies". He did not think the British Government had spent 250 millions to turn that country from a Boer Republic into a 'Coolie Warren'.[68] On the same day an order was issued relaxing the tramway regulations so far as the 'Asiatics' were concerned. By this order a coloured person who was respectably dressed might ride in the trams. This further enraged the Europeans.[69]

On the night of November 11, 1902, a meeting of shopkeepers of Jappestown and Dorrenfontein, held at Grand Station Hotel, Jappestown, to protest against the granting of licences to Asiatics, adopted a resolution unanimously: "That this meeting forms itself into an association to be known as the Jappestown and surrounding District White League." Dr. Jas Brown and Mr. Jacobson were elected Chairman and Secretary respectively of the newly formed Association. In the middle of November 1902, the Klerksdorp Chamber of Commerce passed a resolution on the lines of the Volksrust Chamber of Commerce.

The role of the White League was to be analogous to that of the Demonstration Committee in Natal five years ago. Only here, there was no question of holding a 'Point Demonstration' as in Natal. "Locally a White League has sprung into existence ... to be directed against the commercial competition of Asiatics with White merchants and shop-keepers," observed J. B. Robinson's paper, the *Star*. "The vitality and spontaneity of the movement are shown by the rapidity with which branches are being formed all over the Rand, and it is clear that we are in presence of a force which must be reckoned with as a serious factor in our future development ... those who are trying to avert a flood of Asiatic Immigration are, even though by an instinct partially blind, fighting for a political interest of vital importance to humanity."[70]

By this time Chamberlain's proposed visit to South Africa had been announced. On December 1, 1902 the *East Rand Express* in a leader on the Asiatic question suggested that a mass meeting in Johannesburg, and public meetings along the Reer and in all chief towns of the Transvaal on

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a special day, "would give our illustrious visitor a better idea of the determination of the old population to oppose any alteration in the direction of laxity in the Asiatic Law than anything else".[71] The establishment of a network of White Leagues to back Lord Milner's Indian policy, as the South African League had done in respect of his anti-Kruger campaign before the War, was a part of the preparation by the South African whites to take advantage of Chamberlain's visit.

Chamberlain's impending visit raised Indian hopes also. *India* wrote:

> Although the step is unprecedented .... Mr. Chamberlain is more .... likely to give a satisfactory reply if approached by the actual victims of an oppressive system. .... Let his zeal be quickened by an ocular demonstration of injustice; and our Indian fellow subjects in South Africa may have reason to bless the day when this energetic Minister decided to establish a new precedent.[72]

* * *

The three-man mission, consisting of General Botha, de la Rey and de Wet, that had been deputed by the Boer delegates at the Vereeniging Conference to go to Europe to collect funds for the relief of Boer widows and orphans, reached London in August 1902. Cheering crowds welcomed them in the streets while "shoals of enthusiastic callers besieged them at their hotel".[73] Equally warm was the Mission's reception by King Edward VII and his wife. The mission next visited the Low Countries to take counsel with Kruger and some other Boer leaders, who had taken refuge there, and returned to London in September for a Conference with Chamberlain. The interview took place on September 5, Lord Kitchener also being present. They had already written to Chamberlain from Holland setting forth their claim in full.[74] Chamberlain told them that there could be no question of modification of the Peace Treaty and if they persisted in pressing their claim, His Majesty's Government would refuse to treat with them.[75] Financially their mission to Europe was not very successful. Wherever they went they were greeted with applause, dinners and receptions which they declined to accept, saying that they had come as beggars and to mourn, not to rejoice. But it was a case of much cry and little wool. Their appeal 'to the civilised world', brought in £105,000, but it annoyed Chamberlain, who told them that he recently had in his mind to constitute Legislative Councils in the Crown Colonies, but now, thanks to their imprudence, he felt obliged to postpone the plan; all the same he proposed to make an early visit to South Africa to inform himself at first hand about conditions there. In December 1902 the mission returned to South Africa about the same time as Gandhiji.

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13

By now the hopes that the Indians had reposed in Lord Milner earlier had wilted. The goings-on behind the scenes between Milner and Chamberlain in regard to the Location scheme were as yet hidden in secrecy, but Gandhiji had sensed the lie of the land. As early as March 27, 1902 in a confidential note, which he had circulated soon after his return from Calcutta to Rajkot, he had expressed his disillusionment. Chamberlain had stated in Parliament that in regard to the grievances of the Indians in the two late Republics he had sought Milner's advice. But, warned Gandhiji, there were grounds to fear, that "His Excellency's attitude ... is not quite so friendly as was at one time expected."[76] Both the late Lord Loch and Sir Hercules Robinson had protested against the bracketing of the Indians with the 'Coloureds' as a breach of Article XIV of the London Convention, and claimed for the Indians the same rights as for the other British subjects. With the cessation of war, therefore, all laws affecting adversely Indian interests ought to have been withdrawn. Even if all the anti-Indian legislation by which Indians had arbitrarily been classified as 'Coloured' were not to be repealed, the least that could have been done was to distinguish between the British Indians and the Zulus.[77] But according to the latest information the relief afforded by the Coloured Pass Law, lately proclaimed by Lord Milner, which was supposed to be an improvement on the old Transvaal Pass Law,[78] could mostly be availed of only by the Kaffirs, although the term coloured persons, as of old, included Indians also. Under the old pass system a native had continually to be taking out new passes, each of which had to be paid for. While it offered opportunities for extortion to subordinate officials, it afforded little protection to employers against desertion. A single passport was now issued free of charge which the native had to keep himself and on which his movements and changes of employment were recorded. For the native the pass business was thus simplified and cheapened and to the employer it provided a much more effective means of identification.[79] But its continuation *vis-a-vis* the Indians under the British regime made matters worse for them, as under the old regime such laws were seldom enforced against better class Indians. Chamberlain had already met the Premiers of the Dominions more than half way. This, Gandhiji thought, was 'more dangerous than the whole'. By sanctioning indirect legislation he had opened up possibilities for mischief which were never dreamt of, as instanced by the latest happenings in Natal—and the Natal model was now being followed both in Australia and Canada.[80] With the alluring prospect of the South African Federation being realised in his lifetime and during the term of office before him, the Honorable Secretary for the Colonies was hard put to it to face up to anti-Indian prejudice. This

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was the reason why he was now 'tacking'. "He wants to sound the Cape and Natal on this question, and modify the old legislation only so far as it is acceptable to the two Colonies."[81] Natal was certain to resist the modifications. For, if the disabilities of the Indians in the two late Republics were removed, Natal itself would have to fall in line. In the circumstances the strategy that the Indians should follow in Natal, Gandhiji suggested, was for the time being to concentrate on attaining administrative relief under the old law.[82] In regard to Australia and Canada the remedy was to take up the proposed measures and attack them in detail.[83] But in the Transvaal and the Orange Free State the principle was there, the grievance was present and relief was obtainable, if only because Chamberlain had not yet committed[84] himself one way or the other. *"The past remonstrances to Mr. Kruger on the very anti-Indian legislation which is now being enforced will, for very shame, make Mr. Chamberlain take up an entirely different attitude."*[85] Therefore, suggested Gandhiji, all their available energy must be directed towards the new Colonies, "and if a satisfactory solution can be secured, the Colony of Natal must necessarily yield".[86]

It was to fight this fight that Gandhiji was now going to South Africa. The main battle would necessarily have to be fought in the Transvaal but the principal base of operations and the central power house would still be Natal—the land of Balasundrams, whose agonised cry had led him to the vision of the burning bush and filled him with the resolve to make their sorrows and sufferings his own.

14

Gandhiji had guessed right. It was going to be no bed of roses for him this time. In a broad sense his assessment of the situation had been correct. But there was a snag. Before and during the war it was the English shopkeeper class in Natal that had largely inspired the anti-Indian agitation in South Africa. Kruger had been less prejudiced against the Indians than his Raad and in the Raad it was the English Uitlanders that had been behind the clamour for anti-Indian legislation. Kruger's attitude was due partly perhaps to the Republic's economic dependence in its early days on the Indian merchant class. It had taught him to value their solid qualities. The Indians, unlike the Uitlanders, had no political ambition and were in fact as much victims as the Boers themselves of British Imperialism which, as the Boers saw it, was using them in its political warfare against the Republic. The Boers, being largely a farming community, had been even appreciative of the role played by the Indian hawkers and petty traders in their economy and on more than one occasion had, in fact, supported the Indian petitions for redress. Before the war, the Europeans in the Transvaal were Uitlanders—subjects of a foreign state, whom as a body Chamber-

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lain had regarded with a certain distrust. Now they were British subjects on whose loyalty and cooperation—and that of the English section in particular—rested the hope of establishing the British race supremacy in South Africa. Naturally their views were deemed by the Home Government entitled to as much consideration as those of the British Indians. Working hand-in-glove with resurgent Afrikanism, they became the spearhead of the anti-Indian moves in post-war Transvaal and this set the pattern for the other parts of South Africa. In Milner they found a powerful ally.

Milner's one concern was to achieve the Union of South Africa within the British Empire in which the British element would be supreme. The Transvaal was to impress on that Union 'a progressive and British character'. To this end he had proposed that (1) the British element should be increased to the point where there should be a permanent British majority in the white population of South Africa. As a means to it, large blocks of land were to be bought in each Colony and English settlers were to be established on them. These new settlers would constitute the spearhead of a class of 'progressive' farmers, and "diminish the racial factor in the politics of the future" by getting rid of the "sharp division between a purely British urban population and a purely Dutch farming population".[87] In the course of time the Boers would assimilate British political ideals by contact with the British population, provided it was "strong enough to maintain those ideals".[88] (2) The Afrikaners should be Anglicised by English being made the official language and sole medium of instruction in the schools and (3) the Transvaal and the Orange Free State should be governed as Crown Colonies for an indefinite period. Only when there was a secure British majority in the white population of South Africa and the Afrikaners had been thoroughly Anglicised would it be safe to join the South African Colonies together in a self-governing dominion.[89] "It was the end," it has been said, "that shaped every single act of Milner's administration."[90] Milner maintained that his policy could not be said to be an anti-Imperial one since its goal was a white South Africa. Sacrifice of the rights of Indians in pursuit of it mattered little to him. But it was by virtue of its sovereignty over the British Indian subjects that the Imperial Crown derived its meaning. That ignoring the obligations flowing from it, enshrined in the Proclamation of 1858 negated the Imperial ideal itself, does not seem to have entered into his consideration.

To reduce the influence of the Afrikaner section Milner had suggested partition of the Cape by putting the region inhabited by the rebellious Dutch under the Crown, while the rest of the region would be governed as before. But the Progressives' dread of partition obliged him to give up that plan.[91] As the war drew to a close, fearing that "the Dutch will try, for a time at least, to recover by politics what they have lost in arms, and that the Cape Colony will be their base of operations",[92] he instigated a move for suspension of the Cape Constitution till Federation was achieved.

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Rhodes threw himself into the move for suspension. Had he lived the proposal might have been carried. His death in March 1902 left the suspension movement leaderless, and Milner had to push his policy single-handed. Knowing that it would be difficult to persuade the Colonial Secretary to give effect to his plans for fear of arousing opposition, not only in the British Parliament but also from self-governing colonies, Milner decided to force Chamberlain's hand. He arranged for the Progressive members of the Cape Parliament to draw up and sign a petition for suspension and present it to Hely-Hutchinson, the Governor who, as pliant in Milner's hands as he had been in Sir John Robinson's earlier ('as clay in the hands of the potter'),[93] dutifully forwarded it to Milner as High Commissioner, and Milner publicly supported it. But the plan miscarried. Bondsmen and moderate Englishmen combined to oppose it. Sir Wilfred Laurier, the Prime Minister of Canada, threatened to walk out of the Colonial Prime Ministers' Conference, if the proposal for suspension was carried, and the Prime Minister of Australia supported Laurier. Consequently the petition for suspension was dismissed by the British Cabinet. On July 2, 1902, Chamberlain telegraphed to announce the decision of the Imperial Government against suspension; Milner was rebuked though he was not recalled, and Chamberlain bade the Cape Parliament meet forthwith, promising that no special measure should be taken unless it proved recalcitrant.

Foiled in his bid for the suspension, Milner was yet more successful in having his way in applying his plans to the Transvaal and the Orange River Colony in regard to the three vital matters of language, constitutional advance and the franchise. "We do not propose equality of the two languages. English must be the official language and the principal medium of instruction", Milner wrote to Chamberlain opposing Lord Kitchener, who had told Botha about his support for the equality of the two languages. As regards constitutional development, Kitchener had supported the request of the Boer leaders that the Transvaal and the Orange River Colony should be granted self-government under the Crown by a specified date. Milner opposed and Chamberlain agreed with Milner. In the Treaty of Vereeniging the Imperial Government permitted the use of the Dutch language in schools where the parents desired and in the law courts when vital 'for the effective dispensation of justice'. Article 7 of the Treaty left the timing of the Constitutional evolution of the new colonies completely open. Great Britain promised that at the earliest possible date military rule would be replaced by civil Government. Thereafter as soon as circumstances permitted 'representative institutions leading to self-government' would be granted.

In regard to the franchise question it had originally been Chamberlain's intention that the position of non-whites in the new colonies should be the same as in the Cape Colony, where there was no political colour bar.[94]

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Botha had told Kitchener on February 28, 1902 that the Boers were strongly opposed to Kaffir suffrage but would agree to the question being settled after the grant of representative Government. After the two generals had met at Middleburg, Chamberlain had urged on Milner that while Botha would be accommodated in his desire for the Colonial whites to be protected from an overwhelming number of native voters, legal equality for all men would be affirmed. "We cannot," he observed, "consent to purchase a shameful peace by leaving the *coloured* population in the position in which they stood before the war with not even the ordinary civil rights which the Government of the Cape Colony has long conceded them." Lord Milner used the word 'Kaffirs' in place of 'the coloured population'. The reason he gave was that "it is the aboriginal native of whom Botha is afraid", whereas "I do not see why respectable coloured persons who are a small number, should be placed under any disadvantage at all". Accordingly the terms offered by the British Government on March 7, 1901 included the statement that no franchise to the *kaffirs* would be *given* "before *representative government* is granted to these colonies, and if then given it will be so limited as to secure the just predominance of the white race. The legal position of coloured persons will, however, be similar to that which they hold in the Cape." In Milner's original draft of May 1902, the decision was postponed still further till the establishment of *'self-government'*. The actual words used were: "The Franchise will not be *given* to Natives until after the grant of self-government." The implication was that it would be given to them. Smuts rewrote the article. In the version of the treaty drafted in Pretoria on May 20, 1902, the article simply read : "The question of granting the franchise to the Natives will not be decided until after the introduction of self-government." No reference was made to 'Coloured people' as distinct from 'natives'. Chamberlain strongly objected to this but was persuaded by Milner to yield to the Boers.[95] The article 8 of the Treaty of Vereeniging followed the draft of May 20th. This left it completely open whether or not the natives would ever be given any voting rights at all.

How is it that Milner gave up completely the position he had held before on the question of legal rights for the coloured persons and made Chamberlain go back on his previous declarations? The explanation is perhaps to be found in a minute of the Natal Cabinet, dated March 28, 1901 addressed to Lord Milner, who had asked both Cape Colony and Natal for a statement of their views on the future peace settlement. In it Natal had stressed that natives should not be given any political rights in the two enemy states pending the latter's rehabilitation. Otherwise it would alienate Briton and Boer alike and make good government difficult. The view held in certain circles that colonists were harsh to the natives, the Natal memorandum maintained, had worked "great harm in relations between the two white stocks". At the moment the natives' greatest need was to be taught habits

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of steady industry.[96]

This meant that in any attempt to establish equality between white and black the mother country would have to go it alone against the united opposition of the Boers and the bulk of the English Colonists in Natal. As far back as November 18, 1897 Milner had pointed this out in a letter to Asquith who, in a political speech, had enunciated two principles of action in South Africa: (1) restoration of good relations between Dutch and English colonials and (2) protection of natives against oppression and wrong. Milner pointed out the irreconcilability of these two objectives. "You might indeed unite English and Dutch by protecting the black," he warned, "but you would unite them against yourself (Great Britain). ... There is the whole crux of the South African position."[97]

What weighed most with England at this juncture was its Imperial interests in South Africa. This made it necessary for her to win the support of the Colonists and they were uncompromising on the issue of white supremacy. The Liberals, on the other hand, were entrapped between doctrinal adherence to democratic institutions for white offspring on the one hand and a humanitarian concern for native peoples on the other. In the result Britain "undertook not to admit any African to the franchise in the Transvaal or the Orange River Colony while she had the power to do so, and she ignored the coloured inhabitants of those colonies". In the words of Thompson, Milner caused Chamberlain to change his original intentions "to the detriment of the non-Europeans, with whom Britain had had no quarrel, to make the Treaty more palatable to the Boers, with whom she had been waging war".[98]

This dichotomy of thinking vitiated the Liberal attitude not only on the issue of the treatment of the coloured people in South Africa but also on the very explosive issue of rising nationalism among the conquered people in the British dominions overseas—particularly India—of which Lord John Morley's was perhaps the most melancholy instance.

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APPENDIX A

REGARDING THE INCLUSION OF THE "NATAL VOLUNTEER INDIAN AMBULANCE LEADERS" IN THE SOUTH AFRICAN WAR MEDAL ROLLS

(1)

WAR OFFICE MINUTES

PUBLIC RECORD OFFICE

Minutes

A.G.

The S of S would like to know whether these Indians are entitled to the S. African Medal (under the A.O. as drafted), and if so whether to the silver or bronze Medal?

H. P. Harvey
15-11

P to Sec.

The Army Order as drafted only confers the Medal on those who draw pay.

Sd/- Illegible

16-11

C in C

Is not this a case which should be brought within the Army Order? If brought to the Queen's notice, we are almost sure to be pressed to do it.

St. J.B.

Nov. 16, 1900

A.G.

The C in C considers their inclusion necessary.

19-11-1900

Lady W. B. informed
29-11

Sd/- Illegible

PUBLIC RECORD OFFICE

Reference :— W.O. 32/972 (from)

Send to F. M. Commanding in Chief S.A. and say that men should be included in Medal Rolls, and enquire if there are others similarly situated who he considers have just claim for the War Medal.

19/11/1900

SB

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(2)

LADY W. BIDDULPH TO MR. BRODERICK

Public Record Office

Reference : W.O. 32/972 (frcm)

Ackd. 15-11

Telegrams : PETERSHAM

Station : RICHMOND

Nov. 12, 1900
Douglas House,
Petersham
Surrey

Dear Mr. Broderick

I hope as an old acquaintance you will forgive me for troubling you with the following matter.

I think it was in March last that I was asked if I could manage to bring to the Queen's notice an account of the splendid and patriotic work "Natal Volunteer Indians Ambulance Leaders", who actually refused the payment offered them for the noble work they did, as they thus wished to prove their loyalty to the Queen. This work they often had to carry out under fire.

I was able through Mrs. Mallet to have Dean Booth's (of Natal) account of the work of these Volunteer Indian Ambulance Leaders put before the Queen, and Mrs. Mallet informed me that Her Majesty was so intensely interested in the account that She wished to keep it which of course Her Majesty has done—as that account is now in their possession, I have been sent another copied from another of Dean Booth's account with the addition of the names and professions of these Indians which I now enclose to you — for Dean Booth is most anxious to bring under the notice of the proper authorities the one form in which recognition for their services would be acceptable to these Volunteers, and not only acceptable—but I believe from what I have been told it is the one ardent desire they have and that is to be awarded the War Medal and it is the one thing they would greatly value.

Having laid these facts before you, I shall indeed be glad if you are able to see your way to obtain the War Medal for them, and certainly it does appear fitting that such loyalty and devotion voluntarily given should be recognised. It is on account of my having succeeded in getting their work brought under the Queen's notice that I have been asked to bring their wish before the proper quarter.

Yours sincerely,
Sd/- S. Wilfrede Biddulph

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THE NATAL VOLUNTEER INDIAN AMBULANCE LEADERS

These men are educated, English-speaking Indians residing in Natal who volunteered for active service in any capacity and underwent training in Ambulance work, and when some 700 to 800 Indian coolies, ignorant of English, were engaged as Ambulance 'bearers' these Volunteers were appointed Leaders.

The Leaders stipulated that they should be unpaid, as their one desire was to prove in some humble way their loyalty to the Empress of India.

These men saw active service in the operations at the Tugela, at Colenso and Spion Kop. Their special usefulness was in helping to remove the severely wounded to Rail end by stretcher when the troops fell back carrying as far as 25 miles in one day.

The War-medal would be highly prized by them.

Their names are as follows:

1.	Mohandas K. Gandhi	Bar-at-Law, Inner Temple
2.	Rahim K. Khan	-do- Lincoln Inn
3.	M. H. Nazar	Gentleman
4.	David Vinden	Government Clerk & Translator
5.	M. V. Madanjit	Printer
6.	W. Jonathan	Schoolmaster
7.	B. Narainan	Farmer
8.	K. K. Mavji	Clerk
9.	A. S. Abhechand	Storekeeper
10.	P. K. Naidoo	Clerk
11.	M. Jackson	Clerk
12.	D. Vasanji	Bookkeeper
13.	Emmanuel Peter	Clerk
14.	G. P. Revashankar	Storekeeper
15.	Bryan Gabriel	Photographer
16.	C. Dhanji	Schoolmaster
17.	I. Ajoodhya	Clerk
18.	H. M. Maneklal	Clerk
19.	I. S. Khimchand	

Sd/- Lancelot P. Booth, M. D.
Medical Officer to the Corps.

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(3)

SECRETARY OF STATE TO FIELD MARSHAL SOUTH AFRICA

Reference : W.O. 32/972 (from)
68/S. Africa/2394

War Office.
London, S.W.
22nd November, 1900

Sir,

I am directed by the Secretary of State for War to transmit for your information, the accompanying copy of a letter and its enclosure relative to the grant of the South Africa 1899-1900 medal to the members of the Natal Volunteer Indian Ambulance Leaders, in recognition of the services rendered by them in the present campaign, and to acquaint you that the Commander-in-Chief has decided that their names are to be included in the Medal Rolls.

I am at the same time to inquire whether there are any other men similarly situated who, in your opinion, have a just claim to the grant of the medal.

I am,
Sir,
Your obedient Servant
Sd/- R. G. Merriman, D.A.A.G.,
for A.G.

The Field Marshal
Commanding the Troops,
South Africa.

C.R. No. A/4217/3
The G.O.C., Natal,
Newcastle.

Forwarded for favour of communication and return.

Sd/- R. D. Cheales, Capt. D.A.A.G.,

Capetown,
14-12-1900

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(4)

DR. L. P. BOOTH TO GANDHIJI,

The Deanery,
Umtala
January 1, 1900

My dear Mr. Gandhi,

I have received an official letter stating that correspondence from the War Office will be forwarded to me informing that "the work of the Natal Volunteer Indian Ambulance Leaders has been brought to the notice of Her Majesty the Queen, and that the Commander in Chief has decided that the names of these men are to be included in the Medal Rolls for the South Africa 1899-1900 medal.

I shall write again to you when I receive the correspondence.

I enclose another note.

Our best regards to all.

Affectionately yours
Sd/- Lancelot P. Booth.

(Private)

P.S. I have received also two or three weeks back another letter from my wife's cousin Miss Palmer enclosing a telegram from her cousin Lady Freda Biddulph (the lady who read out to the Queen a letter she received about the Indian Volunteers, the letter the Queen asked to keep, — or took possession of I suppose we should say).

Lady F. B. had seen Dr. Broderick and the telegram said the medals were to be granted.

I thought you would like to know this also.

LPB

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GANDHIJI "ASSISTANT SUPDT."

(1)

GANDHIJI TO COLONIAL SECRETARY P. M. BURG

To
The Colonial Secretary
Pietermartizburg

14, Mercury Lane,
Durban,
March 30, 1901

Sir,

A kind friend has sent me a copy (of an) extract from General Buller's dispatch wherein among the officers mentioned is included my name, described as "Mr. Gandhi, Asst. Supdt. Indian Ambulance Corps". If the extract is complete, according to my correspondent, no more officers of that Corps are thus mentioned. If that be so, and if the credit given is to the Assistant Superintendent as such, it belongs to Mr. Shire, who was the only Gentleman in the Corps recognised as such. And if the description of the office is of no consequence and if I am entitled to any credit for having done my duty, it is due in a greater measure to Dr. Booth, now Dean of St. John's, and to Mr. Shire, who spared no pains in making the Corps the success it proved to be. If I may venture to estimate their work, it is due to them to state that Dr. Booth's services as Medical Officer in particular and adviser and guide in general were simply inestimable, and Mr. Shire's were equally so in connection especially with the internal administration and discipline.

May I ask you to bring the contents of this communication to the notice of the Military Authorities.

I have the honour to be,
Sir,
Your obedient servant,
M. K. Gandhi

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(2)

C. BIRD TO M. K. GANDHI

Colonial Secretary's Office

2598/01

Pietermaritzburg
16th April, 1901

Sir,

I have the honour to inform you that the subject matter of your letter dated 30th March, 1901, was duly communicated to the Military authorities, as requested. It is thought that the reference to you in the despatch alluded to was meant as a compliment to your nationality, of which the Bearer Company was composed. No doubt the work of the other gentlemen mentioned was also of great value, but it is difficult to include all names in a despatch.

I have the honour to be,
Sir
Your obedient servant,
Sd/- C. Bird
Principal Under Secretary

M. K. Gandhi, Esq.,
14, Mercury Lane,
Durban.

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NOTES

PART I

CHAPTER I

1 M. K. Gandhi, *The Story of My Experiments with Truth*, Navajivan Publishing House, Ahmedabad, (May 1956), p. 186.

2 *Ibid.*

3 *Ibid*, p. 187.

4 *Natal Mercury*, May 11, 1896, quoted by Robert A. Huttenback in *Gandhi in South Africa*, Cornell University Press, London (1971), p. 52. (Italics mine).

5 Memorial to Chamberlain, March 15, 1897. Colonial Office Records: Petitions and Despatches: 1897.

6 *Natal Mercury*, August 12, 1896.

7 Observed the *Natal Mercury* on August 17, 1896:

"Under the present law, neither sugar-planters nor anyone else can import other than general labourers from India; and while the present Government is in office, no portion of the revenue of the Colony, nor the machinery of the Government, will be utilised in any way to assist to import skilled labour."

8 *Natal Mercury*, September 12, 1896.

9 *Natal Advertiser*, August 12, 1896.

10 *Natal Mercury*, August 14, 1896.

11 *Natal Mercury*, August 24, 1896.

12 *Natal Mercury*, September 1, 1896.

13 *Natal Advertiser*, September 4, 1896.

14 *Natal Mercury*, September 5, 1896.

15 *Natal Mercury*, September 12, 1896.

16 Reuter's message of September 18, 1896, quoted in Memorial to Chamberlain of March 15, 1897. Colonial Office Records: Petitions and Despatches, 1897; *The Collected Works of Mahatma Gandhi* (C.W.M.G.), —Vol. II, Publications Division, Ministry of Information and Broadcasting, Government of India, Navajivan Press, Ahmedabad-14, (January 1959), p. 247.

17 *Natal Advertiser*, September 16, 1896.

18 *Ibid.*

19 *Natal Mercury*, September 16, 1896.

20 *Natal Mercury*, September 18, 1896.

21 *Natal Mercury*, September 18, 1896.

22 *Ibid.*

23 *Natal Mercury*, September 21, 1896.

24 *Ibid.*

25 *Natal Advertiser*, September 18, 1896.

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26 *Natal Advertiser*, September 22, 1896.
27 *Ibid.*
28 *Standard & Digger's Digest*, quoted in *Natal Advertiser*, September 22, 1896.
29 Quoted by C. B. Dalal in *Dakshin Africa Man Gandhiji Noon Gaman Ane Punargaman*, Gujarat Vidyasabha, Ahmedabad, (1956), p. 31.
30 *Natal Mercury*, September 19, 1896.
31 *Ibid.*
32 *Natal Mercury*, November 28, 1896.
33 *Natal Mercury*, November 27, 1896.
34 *Natal Mercury*, November 28, 1896.
35 *Natal Mercury*, December 5, 1896.
36 *Natal Mercury*, November 28, 1896.
37 *Natal Mercury*, November 30, 1896.
38 *Natal Mercury*, December 1, 1896.
39 *Ibid.*
40 *Natal Mercury*, December 5, 1896.
41 *Ibid.*
42 *Natal Mercury*, December 7, 1896.
43 "An Australian" in a letter to the editor of *Natal Advertiser*, dated December 8, 1896.
44 *Natal Advertiser*, December 9, 1896.
45 *Ibid*, December 10, 1896.
46 *Natal Mercury*, December 16, 1896.
47 *Natal Mercury*, December 18, 1896.
48 *Natal Advertiser*, December 12, 1896.
49 *Natal Advertiser*, December 21, 1896.
50 *Natal Advertiser*, December 21, 1896.

Chapter II

1 Memorial to Chamberlain, March 15, 1897, Appendix 'A', (C.W. M.G. Vol. II, p. 247).
2 *Ibid.*
3 *Ibid.*
4 Dr. D. Birtwell to Goodricke, Laughton & Cooke, December 24, 1896, Appendix 'K', *Ibid.*
5 Appendix 'O', *Ibid.*
6 Appendix 'P', *Ibid.*
7 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 188.
8 *Ibid*, p. 190.
9 *Natal Advertiser*, December 30, 1896.
10 *Natal Advertiser*, December 31, 1896.
11 *Ibid.*

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12 *Natal Advertiser*, January 5, 1897, quoted in Memorial to Chamberlain, March 15, 1897 (C.W.M.G. Vol. II, p. 198).

13 *Ibid*, p. 268.

14 *Natal Witness*, January 6, 1897.

15 *Natal Mercury*, January 6, 1897.

16 *Ibid*.

17 *Ibid*.

18 *Natal Mercury*, January 7, 1897.

19 *Natal Advertiser*, January 7, 1897.

20 *Natal Advertiser*, January 7, 1897, quoted in Memorial to Chamberlain, March 15, 1897 (C.W.M.G. Vol. II, p. 218).

21 *Natal Advertiser*, January 7, 1897.

22 *Ibid*.

The Chairman wired back: "I ... have ... to ask Government to convey to the Asiatics on board the *Naderi* and *Courland* the strong popular feeling against their landing and request them to return to India at the Colony's cost."

23 *Ibid*.

24 *Natal Mercury*, January 9, 1897.

25 *Natal Advertiser*, January 7, 1897.

26 *Cape Argus*, January 7, 1897.

27 *Natal Mercury*, January 9, 1897.

28 *Natal Mercury*, December 30, 1896.

29 *Natal Mercury*, February 18, 1897.

30 *Natal Advertiser*, January 8, 1897.

31 Natal Mercury, January 8, 1897.

32 Memorial to Chamberlian, March 15, 1897 (C.W.M.G. Vol. II).

33 *Ibid*.

34 *Ibid*.

35 *Ibid*.

36 *Ibid*.

37 *Ibid*.

38 *Ibid*. (Italics mine).

39 *Natal Mercury*, January 11, 1897.

40 *Natal Mercury*, January 9, 1897.

41 *Natal Mercury*, January 11, 1897.

42 *Times of Natal*, January 8, 1897.

43 *Natal Advertiser*, January 9, 1897.

44 *Star*, January 8, 1897.

45 *Natal Mercury*, January 9, 1897.

46 *Natal Mercury*, January 11, 1897.

47 *Ibid*.

48 Dada Abdulla & Co. to the Colonial Secretary, January 9, 1897. Memorial to Chamberlain, March 15, 1897, Appendix 'R'.

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49 C. Bird, Principal Secretary to Dada Abdulla & Co., January 11, 1897. *Ibid.*

50 Goodricke, Laughton & Cooke to Harry Escombe, January 10, 1897. *Ibid.*

51 Memorial to Chamberlain, March 15, 1897.

52 Harry Escombe's letter to Laughton, January 11, 1897. *Ibid.*

53 *Ibid.*

54 Memorial to Chamberlain, March 15, 1897.

55 *Ibid.*

Chapter III

1 Memorial to Chamberlain, March 15, 1897, Appendix 'A'.

2 *Natal Advertiser*, January 11, 1897.

3 *Ibid.*

4 Harry Sparks to Captain Milne, S. S. *Courland*, January 8, 1897. Memorial to Chamberlain, March 15, 1897.

5 *Natal Advertiser*, January 12, 1897.

6 *Natal Mercury*, January 13, 1897.

7 *Natal Advertiser*, January 12, 1897.

8 *Ibid.*

9 *Natal Advertiser*, January 11, 1897.

10 *Natal Advertiser*, January 12, 1897.

11 *Natal Advertiser*, January 12, 1897.

12 *Ibid.*

13 *Ibid.*

14 *Ibid.*

15 *Ibid.* (Italics mine).

16 *Ibid.*

17 *Ibid.*

18 *Ibid.*

19 *Ibid.*

20 *Ibid.*

21 *Times of Natal*, January 12, 1897.

22 *Natal Advertiser*, January 14, 1897.

23 *Ibid.*

24 *Natal Advertiser*, January 16, 1897.

25 *Natal Advertiser*, January 15, 1897.

26 Memorial to Chamberlain, March 15, 1897 (C. W. M. G. Vol. II, p. 185).

27 *Natal Advertiser*, January 14, 1897.

28 *Natal Advertiser*, January 16, 1897.

29 *Natal Mercury*, January 14, 1897.

30 *Natal Advertiser*, January 14, 1897.

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31 *Ibid.* (Italics mine).
32 *Ibid.*
33 M. K. Gandhi, *Satyagraha in South Africa*, Navajivan Publishing House, Ahmedabad, (1928), p. 58.
34 *Natal Advertiser*, January 14, 1897.
35 *Natal Mercury*, January 14, 1897.
36 *Natal Advertiser*, January 14, 1897.
37 *Ibid.*
38 M. K. Gandhi, *Satyagraha in South Africa*, p. 60.
39 M. K. Gandhi, *The Story of My Experiments with Truth*, pp. 193-4.
40 *Natal Mercury*, January 15, 1897.
41 *Natal Mercury*, January 14, 1897.
42 *Ibid.*
43 *Ibid.*
44 *Natal Advertiser*, January 14, 1897.
45 *Ibid.*
46 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 193.
47 *Young India*, December 26, 1924.

Chapter IV

1 *Natal Advertiser*, January 14, 1897.
2 *Cape Argus*, January 15, 1897.
3 *Ibid.*
4 *Ibid.*
5 *Natal Advertiser*, January 14, 1897.
6 Mr. Vincent Lawrence's letter to author, March 17, 1960.
7 *Natal Advertiser*, January 14, 1897.
8 *Cape Argus*, January 15, 1897.
9 *Natal Mercury*, January 16, 1897.
10 *Natal Advertiser*, January 15, 1897.
11 *South Africa*, February 20, 1897.
12 *Natal Advertiser*, January 14, 1897.
13 *Natal Advertiser*, January 15, 1897.
14 *Natal Mercury*, January 16, 1897.
15 *Ibid.* (Italics mine).
16 *Ibid.*
17 *Natal Mercury*, January 18, 1897.
18 *Natal Advertiser*, January 16, 1897.
19 *Natal Mercury*, January 19, 1897.
20 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 196.
21 *Natal Witness*, January 16, 1897.
22 *Cape Argus*, quoted in *Natal Advertiser*, January 21, 1897.
23 *Natal Mercury*, March 26, 1897.

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24 *Ibid.* (Italics mine).

25 *Natal Mercury*, April 8, 1897.

26 *Ibid.*

27 Gandhiji to the Colonial Secretary, Maritzburg, dated April 6, 1897. *Ibid.*

28 M. K. Gandhi, *Satyagraha in South Africa*, p. 63.

29 *Ibid*, p. 64. (Italics mine).

30 *Ibid.*

31 From Gandhiji to Harry Escombe, January 20, 1897. (Enclosure in Despatch No. 32 of March 3, 1897, from the Governor of Natal to the Secretary of State for the Colonies). (C.W.M.G. Vol. II, p. 166).

32 *Natal Advertiser*, January 15, 1897.

33 R. C. Alexander to Gandhiji, January 22, 1897. Sabarmati Sangrahalaya Photostat: S. N. 1938.

34 From (Mrs.) J. Alexander to Gandhiji, January 22, 1897. Sabarmati Sangrahalaya Photostat: S. N. 1939.

35 From Abdool Carim (Dada Abdulla & Co.) to R. C. Alexander, March 24, 1897. Photostat: S. N. 2149 (C.W.M.G. Vol. II, p. 285).

36 From Abdool Carim (Dada Abdulla & Co.) to (Mrs.) J. Alexander, March 24, 1897. Photostat: S. N. 2150, *Ibid*, p. 285.

37 From R. C. Alexander to Abdool Carim (Dada Abdulla & Co.), March 30, 1897. Photostat: S. N. 3662.

38 (Mrs.) J. Alexander to Abdool Carim (Dada Abdulla & Co.), March 30, 1897, quoted by C. B. Dalal in *Dakshin Africa Man Gandhiji Noon Gaman Ane Punargaman*, p. 97.

39 From Thomas N. Watts to Abdool Carim, March 30, 1897. Photostat: S. No. 3661.

40 *Natal Advertiser*, March 16, 1897.

41 *Ibid.*

42 *Ibid.*

43 *Ibid.*

44 From Gandhiji to F. S. Talyarkhan, December 17, 1897 (C.W.M.G. Vol. II. p. 368).

45 From M. M. Bhownaggree to Gandhiji, October 29, 1897. Photostat : S. N. 2580.

46 *Natal Witness*, quoted in *Natal Advertiser*, January 12, 1897.

47 *Natal Mercury*, July 28, 1897.

48 *Times of Natal*, January 8, 1897.

49 *Natal Advertiser*, January 14, 1897.

50 *Ibid.*

51 *Ibid.*

52 According to this document, wrote the *Natal Advertiser*, on January 20, 1897 :

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"The Attorney-General, who had previously admitted that there was no legal means of keeping the Indians out of the Colony, went so far as to pledge the public funds to a buying-off policy, at the dictum (dictation?) of a body with no legal status, and pursuing illegal methods of intimidation, as is clearly shown by the terms of the letter. When that failed, came the demonstration, with the opportune appearance of the Attorney-General on the scene. To use the old tag, comment is unnecessary."

53 *Cape Argus*, January 20, 1897.

54 The *Natal Witness* commented :

"It was delightfully dramatic. The Military handed over their powers to a Committee which claimed to represent the people. Whatever you do, they said, act constitutionally. The word was passed round and the magic of constitutional action took effect, though not a soul to this moment knows what it means. The Ministry acted constitutionally and promised not to interpose if the peace were broken. They would only go to the Governor and ask to be relieved of office. The Committee acted quite constitutionally in organising a force, including natives to oppose by force the landing of British subjects in a British Colony ... The Committee claimed a moral victory, though they had been beaten from pillar to post." *Natal Witness*, quoted in *Natal Advertiser*, January 21, 1897.

55 *Natal Advertiser*, February 18, 1897.

56 *Ibid.*

57 *Natal Mercury*, February 19, 1897.

58 *Natal Advertiser*, March 29, 1897.

59 *Ibid.*

60 *Ibid.* (Italics mine).

61 *Natal Advertiser*, January 12, 1897, quoting *Natal Witness* of even date.

62 *Johannesburg Times*, January 1897, quoted in Memorial to Chamberlain, dated March 15, 1897.

63 *Digger's News*, January 15, 1897.

64 *E. P. Herald* reproduced in *Natal Advertiser*, January 2, 1897.

65 *The South African Mining Journal*, quoted in *Natal Advertiser*, January 21, 1897.

66 As a matter of fact the orgy of fury that swept over Durban did drive back from the inhospitable shores of Natal some of the passengers from India who had landed with Gandhiji. Wrote Sir Hely-Hutchinson to Chamberlain, January 28, 1897 :—

"The *Courland* and *Naderi* have both left for India taking away 390 Indians between them. Of these ... 190 were free immigrants who had been landed from either the *Courland* or *Naderi* on the 11th instant. ..." NAI (Rev. & Agri.—Emign.) A-Progs. No. 28, November, 1897.

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67 *Cape Argus*, January 15, 1897.
68 *Ibid.*
69 *Natal Mercury*, January 14, 1897.
70 *Natal Mercury*, January 15, 1897.
71 *Cape Argus*, January 1897, quoted in Memorial to Chamberlain, dated March 15, 1897 (C.W.M.G. Vol. II, p. 228).
72 *Johannesburg Times*, quoted in Memorial to Chamberlain, dated March 15, 1897. *Ibid*, pp. 220 and 225.
73 *Natal Advertiser*, January 16, 1897.
74 *Natal Witness*, January 16, 1897.
75 *Natal Mercury*, May 12, 1897.
76 *Natal Mercury*, December 22, 1897.
77 *Ibid*, December 23, 1897.
78 *Natal Mercury*, March 17, 1899.
79 *Speeches and Writings of Gopal Krishna Gokhale*, Vol. II, Political, edited by Prof. D. G. Karve and D. V. Ambekar, Asia Publishing House, (1966).
80 *Star*, January 1897, quoted in Memorial to Chamberlain, dated March 15, 1897 (C.W.M.G. Vol. II, p. 221).
81 *Natal Advertiser*, March 9, 1897.
82 *Ibid.*
83 *Natal Mercury*, March 26, 1897.
84 *Ibid.*
85 *Natal Advertiser*, March 9, 1897.
86 M. K. Gandhi, *Satyagraha in South Africa*, p. 62.

PART II

CHAPTER V

1 *Natal Mercury*, February 4, 1897.
2 *India*, January 1897.
3 *Ibid.*
4 *India*, February 1897, p. 34.
5 *Ibid.*
6 *Natal Mercury*, February 2, 1897.
7 Wrote the *Natal Advertiser* on February 1, 1897:

"Under the circumstances, and with every sympathy towards the native populations of India, we fear there is too much reason to apprehend the necessity of an organised relief fund for our own native population to permit of any organised fund for India receiving much support."

8 *Natal Mercury*, February 4, 1897.
9 *Natal Advertiser*, February 4, 1897.

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10 *Natal Mercury*, February 4, 1897.

11 *Natal Advertiser*, February 2, 1897.

12 *Natal Mercury*, March 1, 1897.

The Bishop of Natal's appeal ran :

"As Christians, distress in any form appeals to us for self-sacrifice, and in this case there is added ... a duty ... as citizens of a great Empire, and still further, as Natal Colonists, an obligation to India."

13 In a letter addressed to J. B. Robinson on February 4, 1897, Gandhi-ji wrote :

"There is no doubt, with your immense influence and energy you are in a position to help materially ... to relieve the suffering millions from the terrible consequences of the prevailing famine, and we feel sure that Johannesburg with its immense riches, can do much more in this direction than all other parts of South Africa put together." Photostat : S. N. 1996.

14 Felix Gross, *Rhodes of Africa*, Cassell and Company Ltd., London, (1956), p. 65.

15 *Natal Mercury*, August 6, 1897.

16 From the Indian Community to Sir Francis W. Maclean, Chairman of the Central Famine Relief Committee, Calcutta, May 7, 1897. Photostat : S. N. 2317.

17 *Natal Advertiser*, March 29, 1897.

18 *Times of India* (Weekly Edition), April 22, 1899.

19 *Natal Witness*, March 4, 1899.

20 From Abdool Carim Hajee Adam to the Governor of Natal, March 27, 1897, enclosing a copy of Memorial to Chamberlain, Photostat: S. N. 2159.

21 *Natal Advertiser*, March 27, 1897; also NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 15-30, March 1897.

22 *Ibid*, January 16, 1897.

23 *Ibid*. See also NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 15-30 March 1897.

24 *Natal Advertiser*, March 27, 1897.

25 *Ibid*. Also NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 15-30, March 1897.

26 *Ibid*.

27 *Ibid*.

28 *Ibid*.

29 *Natal Advertiser*, March 27, 1897.

30 *Ibid*.

31 File No. 14 of 1897: NAI (Rev. & Agri.—Emign.) A-Progs. No. 31, January 1898.

32 Sir John Robinson, *A Life Time in South Africa*, Smith, Elder & Co., Waterloo Place, London, (1900), p. xxxiv.

33 *Natal Mercury*, January 21, 1897.

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34 *Natal Mercury*, February 17, 1897.

35 Blue Book No. 383, quoted by Iqbal Narain, in *The Politics of Racialism*, Shiva Lal Agarwala & Co. Ltd., Agra, (1962), p. 128.

36 *Natal Mercury*, February 18, 1897.

So naive was this pretence of "equal footing" that it led a wag signing himself as Amos II, to suggest tongue-in-cheek to the editor of the *Natal Mercury* that in the Draft Bill, which according to that paper aimed at "preserving the identity of the Colony from immersion (I think you mean submersion) by a flood of low class, low caste, illiterate, criminal, diseased and lunatic population", among other things the following might be substituted with advantage:

(1) Who does not possess at least two pairs of cotton socks and a tooth brush, and who cannot show some reasonable skill in the manipulation of the latter.

(2) Who cannot repeat the Creed, the Lord's Prayer, and the 39 Articles in the vulgar tongue, and show some acquaintanceship with the first 47 pages of Mangnall's Questions.

(3) Who is darker of complexion than a statute sheet of "whitey brown" paper, to be kept for purposes of comparison pasted on the wall of the Port Office.

(4) Who is unable to pass a fair examination in contemporary history.

Special subjects for 1897 suggested were: "The Jameson Inquiry, rinderpest, street-obstruction, and the vagaries of telephone companies." *(Natal Mercury*, February 18, 1897).

37 *Natal Mercury*, February 24, 1897.

38 *Natal Mercury*, March 12, 1897.

39 *Natal Mercury*, March 12, 1897.

40 *Natal Mercury*, March 13, 1897.

41 *Natal Mercury*, February 24, 1897.

42 *Natal Mercury*, March 13, 1897.

43 *Natal Mercury* observed on March 13, 1897:

"The nearest way to Maritzburg is as the crow flies, but if a man attempted to follow the path of the crow probability is that he would break his neck before he got very far on his journey."

44 *Ibid.*

45 *Natal Advertiser*, March 16, 1897,

46 *Ibid.*

47 *Natal Mercury*, March 12, 1897.

48 *Natal Mercury*, April 1, 1897.

49 In the course of his speech at Stanger, Mr. Clayton further said:

"The Indians had created a trade—a trade that would never have been brought here by the old system of storekeeping. He was quite willing to admit that here and there a European storekeeper had been ruined by

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the Indians, but their presence here was better than the old days when a few storekeepers had the monopoly. Wherever they met with an Arab, they always found him amenable to law. They had heard it said that the Colonies should not give away their birthright, that the Indians should not be allowed to enter upon the possession of their lands. He was pretty confident that his children, rather than have to work any land he might be able to leave them, would prefer to let it to Indians at reasonable rents." Memorial to Chamberlain, March 15, 1897.

50 Memorial to Chamberlain, March 15, 1897.

51 *Ibid.*

52 *Natal Mercury*, October 20, 1897.

53 *Natal Advertiser*, March 8, 1897.

54 Telegram, January 28, 1897, from Indians to (i) INCAS, (ii) Sir William Hunter, Care *Times*, and (iii) Bhownaggree, London. Photostat: S. N. 1883.

55 *Natal Advertiser*, April 16, 1897.

56 M. K. Gandhi, *Satyagraha in South Africa*, p. 66.

57 M. M. Bhownaggree to M. K. Gandhi, October 29, 1897. Photostat: S. N. 2580.

58 *Natal Advertiser*, March 19, 1897.

59 Memorial to Chamberlain, March 15, 1897.

60 *Natal Mercury*, March 17, 1897, quoted in Memorial to Chamberlain.

According to the figures given in G.O. Rutherford's report from August 1895 to January 1897 seven steamship companies had deported 1298 free Indians from the Colony. The same companies had introduced 1964 Indians in the same time. The bulk of the arrivals representing the excess were bound for the Transvaal. The rest were mostly either the relations, or servants, or shop assistants of Indians already settled in Natal, who after a term returned home and were replaced by others, leaving the number of free Indians in the Colony practically steady.

61 *Ibid.*

62 *Ibid.*

63 Petition to Natal Assembly by Indian Community, March 26, 1897. P.M. Burg Archives, Ref. NPP, Vol. 656, Petition No. 6.

64 *Ibid.*

65 The *Natal Mercury* had described the Bill, when it was introduced, as "an extraordinary measure of precaution taken in the face of plague stricken countries". But the same paper let the cat out of the bag, when in replying to those who had urged that a Bill should be passed against Asiatics in particular even though it might involve a "long constitutional fight", and in the meantime they should protect themselves with the Quarantine Act, it editorially wrote that it would imply that "we were much too

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high-minded to be dishonest with regard to the Immigration Bill, but we had not the slightest objection to take mean advantage of the provisions of the Quarantine Bill! To prevent the landing of Indian immigrants in Natal, on the ground that they came from a country infected with a dangerous infectious disease, whereas it is perfectly known that there is no such disease within a thousand miles of the district where they come from, is just as disingenuous as the operations under the Immigration Restriction Bill". *Natal Mercury*, March 30, 1897.

66 Petition to Natal Assembly, March 26, 1897. Pietermaritzburg Archives, Ref. NPP, Vol. 656, Petition 6.

67 *Natal Advertiser*, April 1, 1897.

68 *Natal Mercury*, April 9, 1897.

69 Gandhiji to F. S. Talyarkhan, March 27, 1897 (C.W.M.G. Vol. II, p. 299).

70 Gandhiji to F. S. Talyarkhan, April 6, 1897 (C.W.M.G. Vol. II, p. 302).

71 *Ibid.*

72 *Natal Mercury*, March 27, 1897.

73 From Abdool Carim Hajee Adam to Governor of Natal, March 27, 1897. Photostat: S. N. 2159. (Italics mine).

74 *Natal Advertiser*, April 1, 1897.

75 *Natal Advertiser*, April 5, 1897.

76 *Natal Mercury*, April 9, 1897.

77 *Natal Mercury*, April 1, 1897.

78 *Natal Mercury*, April 3, 1897. (Italics mine).

79 *Natal Mercury*, April 3, 1897.

80 *Ibid.*

81 Petition to Chamberlain, July 2, 1897. Photostat: S. N. 2430-35.

82 *Natal Mercury*, April 3, 1897.

83 *Natal Mercury*, April 15, 1897.

84 Petition to Chamberlain, July 2, 1897.

85 *Ibid.* Commented the *Natal Advertiser* on March 27, 1897:

"The Prime Minister's half-hearted advocacy of the Licensing Bill has probably damned it beforehand...When we find the Minister technically responsible for it, emphasising the most objectionable features and actually suggesting its rejection, it is not surprising if the suspicion is aroused that it was never intended to pass." (C.W.M.G. Vol. II, pp. 334-5).

86 Petition to Chamberlain, July 2, 1897.

87 *Natal Advertiser*, April 5, 1897.

88 *Ibid.*

89 On May 14, 1897, *Natal Mercury* observed:

"We cannot very well see why labourers for field work should be brought in under the auspices of the Indian Immigration Board, and domestics for service in the house be prohibited. ...The necessities of the house-

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holder have as much claim to be considered in a matter of the kind as those of the planter and farmer."

90 *Natal Mercury*, May 14, 1897.
91 NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 40-46, May 1903.
92 *Natal Advertiser*, February 26, 1897.
93 *Ibid.*
94 *Natal Advertiser*, April 5, 1897.
95 *Natal Advertiser*, May 22, 1897.
96 *Star*, May 20, 1897.
97 *Star*, May 10, 1897.
98 *Star*, May 7, 1897.
99 *Natal Mercury*, May 12, 1897.
100 Petition to Chamberlain, July 2, 1897.
101 *Natal Advertiser*, March 27, 1897.
102 Petition to Chamberlain, July 2, 1897.
103 *Ibid.*
104 Gandhiji's letter of July 10, 1897 to public men in India and England. Photostat: S. N. 2448.
105 Chamberlain's address to Premiers, September 18, 1897. Colonial Office Records: Parliamentary Papers, 1897, Vol. 2, No. 15. (Italics mine).
106 *Ibid.*
107 *Ibid.* (Italics mine).

Chapter VI

1 Gandhiji's letter to Julian Huxley, May 25, 1947.
2 *Natal Advertiser*, August 6, 1897.
3 Wrote *Natal Mercury*, on June 12, 1897, supporting its correspondent's suggestion:

"The whole celebration is essentially an Imperial one, and we most certainly think that in some way both Indians and natives should be especially brought into the festivities."

4 *Natal Mercury*, June 21, 1897.
5 *Natal Mercury*, June 26, 1897.
6 *Natal Mercury*, July 6, 1897.
7 Gandhiji's letter to the editor, dated June 24, 1897. *Natal Mercury*, June 25, 1897.
8 *Natal Advertiser*, April 19, 1899.
9 *Natal Mercury*, May 3, 1899.
10 In his letter dated September 24, 1897, Laughton wrote to Gandhiji that Escombe would meet a deputation of the Indians at his (Escombe's) house "at 8 o'clock tonight", and asked Gandhiji to be present there. Now, September 24 fell on Friday. But Escombe's letter dated 28th to Gandhiji

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refers to "the verdict of Saturday". The meeting must, therefore, have taken place not on September 24 but on Saturday, September 25. This is also corroborated by Laughton's letter dated September 27, to Gandhiji in which he congratulates him on doing his work "so well on Saturday".

The only explanation of the discrepancy seems to be that either the meeting on Friday must have been postponed on account of the general election, or which is more probable, that "tonight" instead of "tomorrow night" in Laughton's letter of September 24 is just an inadvertent slip on his part. Still another explanation can be that in order that Gandhiji might "not be seen", as advised by Laughton, the meeting was held, or was concluded after zero hour on the night of the 24th September.

11 Laughton's letter to Gandhiji of Sepeember 27, 1897. Photostat: S. N. 2548.

12 Harry Escombe to Gandhiji, September 28, 1897. Photostat: S. N. 2549.

13 Secretary of State Chamberlain to Governor, Natal, W. Hely-Hutchinson, April 10, 1897. NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 8-20, November 1897.

14 In reply to a memorial by the Hon. Pherozeshah Mehta as Chairman of a public gathering held in Bombay, Lord George Hamilton wrote, "I am unable to admit that their state is correctly described as one of 'perpetual indenture' which 'comes perilously near to slavery' ". Secretary of State for India to Government of Bombay, dated March 4, 1897. *Ibid.*

15 *Ibid.*

16 Under-Secretary of State for India to Under-Secretary of State for the Colonies, dated July 21, 1897. *Ibid.*

17 *Ibid.*

18 *Ibid.* (Italics mine).

19 Harry Escombe to Under-Secretary of State for the Colonies, dated July 29, 1897. NAI (Rev. & Agri.—Emign.) A-Progs. No. 31, January 1898.

20 An enclosure to Colonial Office letter No. 16808, dated October 3, 1897. *Ibid.*

21 *Ibid.*

22 *Ibid.*

23 *Ibid.*

24 Under-Secretary of State for India to Under-Secretary of State for the Colonies, November 2, 1897, No. 1978, J & P. *Ibid.*

25 Governor of Natal to Secretary of State for the Calonies, January 5, 1898. NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 1-4, July 1898.

26 Henry Bale to Chamberlain, January 13, 1898. NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 1-4, July 1898. (Italics mine).

27 *Ibid.*

28 Sir Lepel Griffin, Chairman, East India Association, to Her Majesty's Secretary of State for India, December 15, 1897. *Ibid.*

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29 Under-Secretary of State for India to Under-Secretary of State for the Colonies, January 26, 1898, No. 2536, J. & P. *Ibid.*

30 Under-Secretary of State for the Colonies to Under-Secretary of State for India, dated February 15, 1898, Nos. 1926-28. *Ibid.*

31 *Ibid.*

32 Report by Henry Bale, Attorney-General, Natal, dated December 28, 1897, No. C-93, 1897. *Ibid.*

33 Under-Secretary of State for India to Under-Secretary of State for the Colonies, March 15, 1898, No. 321, J & P. *Ibid.*

34 Secretary of State for the Colonies to Governor, Natal, March 19, 1898.

While reiterating that the object of the Government of India was to secure that vested rights should be respected and that no British subject who immigrated into Natal from Her Majesty's Indian possessions previous to the passing of the Act and had resided there, should be treated as "a prohibited immigrant", Chamberlain's despatch went on to say:

"And it seems that this concession may rightly be expected by the Indian Government at the hands of Natal, especially in view of the advantages which the Colonies derive from the facilities afforded by that Government for recruiting indentured coolie labour for the Colony.

"I trust that the Natal Government will be able to satisfy the wishes of the Indian Government in this matter and also in regard to the amendment of Act No. 18 of 1897." *Ibid.*

35 Minute by Denzil Ibbetson, May 18, 1898. *Ibid.*

36 Minute by Rt. Hon. Mr. Escombe; File 27 of 1898. NAI (Rev. & Agri.—Emign.) A-Progs. No. 1, September 1898 (Italics in Escombe's minute mine).

37 *Ibid.*

38 In the course of his communication Mr. Chamberlain said:

"I am to point out that if the Natal Government administer the Act in a liberal spirit and in such a manner as not to affect natives of India settled in the Colony, there will be no question of the Licensing Boards and authorities taking advantage of the definition of prohibited immigrants in section 3(a) seeing that, as is mentioned in Mr. Escombe's Minute, the application of the test which constitutes a prohibited immigrant remains entirely in the hands of the Colonial Government and of officers under its orders." *Ibid.*

Under-Secretary of State for the Colonies to Under-Secretary of State for India, No. 15797-8, July 20, 1898. *Ibid.*

39 Lord George Hamilton's Action Speech. *India*, June 29, 1898.

40 Sir A. Godley, Under-Secretary of State for India, to Under-Secretary of State for the Colonies, dated July 27, 1898, No. 1428. J & P. NAI

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(Rev. & Agri.—Emign.) A-Progs. No. 31, September 1898.

41 Under-Secretary of State for the Colonies to Under-Secretary of State for India, dated October 2, 1897. NAI (Rev. & Agri.—Emign.) A-Progs. No. 31, January 1898.

42 NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 40-46, May 1903.

43 *Ibid.*

44 Cape Immigration Act of 1902. NAI (Rev. & Agri.—Emign.) A-Progs. No. 16, March 1903.

45 Natal Legislative Assembly Papers, L. A. 19, 2nd Session, 2nd Parliament, 1898, July 7, 1898, quoted by Robert A. Huttenback, in his *Gandhi in South Africa*, p. 64.

46 *Natal Mercury*, June 17, 1897.

47 *Natal Mercury*, July 3, 1897.

48 Gandhiji's letter to influential friends in England, September 18, 1897. Photostat: S. N. 2509.

49 *Natal Mercury*, September 20, 1897.

50 *Natal Mercury*, November 15, 1897.

51 *Natal Mercury*, November 15, 1897.

52 *Natal Mercury*, November 16, 1897.

53 *Natal Mercury*, November 17, 1897.

54 *Ibid.*

55 C. Bird, Principal Under-Secretary, to Gandhiji, November 16, 1897. *Natal Mercury*, November 20, 1897.

56 *Natal Mercury*, November 20, 1897.

57 Gandhiji to William Cooley, Town Clerk, September 3, 1897. Durban Town Council Records: Vol. 134, No. 23446.

58 *Natal Mercury*, October 30, 1897.

59 *Natal Mercury*, June 15, 1898. NAI (Rev. & Agri.—Emign.) A-Progs. No. 41, May 1903.

60 *Natal Mercury* December 11, 1897.

61 *Natal Mercury*, October 27, 1897.

62 *Natal Mercury*, October 11, 1897

63 *Natal Mercury*, October 27, 1897.

64 *Natal Mercury*, January 31, 1898.

65 *Natal Advertiser*, December 11, 1897.

66 *Natal Advertiser*, January 31, 1898.

67 *Ibid.*

68 *Natal Mercury*, February 9, 1897.

69 *Natal Mercury*, December 9, 1897.

70 *Natal Advertiser*, December 9, 1897.

Chapter VII

1 *Times of Natal*, December 21, 1898 quoted in Petition to Chamberlain, dated December 31, 1898. Colonial Office Records: Memorials and Petitions, 1898-1899.

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2 Petition to Chamberlain, December 31, 1898. Photostat: S. N. 2894-2903; Colonial Office Records: Memorials and Petitions, 1898-1899.

3 *Ibid.*

4 A suggestion was made in an appeal case to the Supreme Court that an officer thus appointed was bound to have a certain amount of bias in his mind, by virtue of his dependent position. Thereupon Sir Walter Wragg, then acting for the Chief Justice, observed that while he would not decide on that matter, he could "quite see that the Licensing Officer should be some person who was not in the Town Council Service, and who was not in the confidence of the Council". *Natal Witness*, March 31, 1898.

5 *India*, February 10, 1899, Vol. I, pp. 66-7.

6 *Natal Mercury*, January 13, 1898.

7 Petition to Chamberlain, dated December 31, 1898. Photostat: S. N. 2894-2903.

8 *Natal Mercury*, March 3, 1898.

9 *Ibid.*

10 *Natal Advertiser*, March 3, 1898.

11 *Ibid.*

12 *Natal Advertiser*, March 3, 1898.

13 *Natal Mercury*, March 3, 1898.

14 *Natal Witness*, March 31, 1898.

15 *Times of Natal*, March 30, 1898.

16 *Natal Advertiser*, March 31, 1898.

17 Petition to Chamberlain, December 31, 1898. Photostat: S. N. 2894-2903.

18 *Natal Mercury*, January 31, 1898. (Italics mine).

19 Justice Mason observed:

"The law of 1897 is one of great stringency, and if there were in my opinion room for reasonable doubt as to the meaning of the words used, it would be the duty of the court, I believe, to interfere whatever might have been the desire of the Legislature, but as it is, I must hold that in these particular licensing appeals the jurisdiction of the Supreme Court is excluded ... and think the appeals should be dismissed." *Ibid.*

20 *Natal Advertiser*, June 7, 1898.

Mr. Jameson, M.L.C. felt scandalised. He could not like to go forth to the world, he said, that the Council based its decision for refusing to grant these licences on the ground that the applicants were not able to read and write English. "It must be understood that their decision was based on general grounds."

21 Petition to Chamberlain, December 31, 1898. Photostat: S. N. 2894-2903.

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22 *Natal Advertiser*, December 13, 1898. (Italics mine).

23 *Ibid.*

24 Petition to Chamberlain, dated December 31, 1898. Photostat: S. N. 2894-2903.

25 *Ibid.*

26 *Natal Advertiser*, September 13, 1898.

27 In one of the meetings Mr. Labistour was reported to have said:

"But for the action he then took a sale of land (held by the Corporation) would have taken place without the condition prohibiting Indians from acquiring it. Steps had been taken at his instigation to approach the Attorney-General, with a view to inserting a clause in the conditions of the sale and during the absence of Mr. Escombe the sale had been allowed to remain in abeyance ... The Legislature had passed laws curtailing the rights of those men, and he considered it the duty of the Municipality to take action also with the view to curtailing their rights, so that they might be prevented from acquiring the land (Hear, hear)." *Natal Mercury*, August 3, 1897.

28 Petition to Chamberlain, December 31, 1898. Photostat: S. N. 2894-2903.

29 *Natal Mercury*, September 16, 1898.

30 *Natal Advertiser*, September 15, 1898.

31 From O'Hea to M. K. Gandhi, December 23, 1898, quoted in Petition to Chamberlain. Photostat: S. N. 2894-2903.

32 *Natal Witness*, November 26, 1898.

33 *Ibid.* (Italics mine).

34 *Ibid.*

35 *Times of Natal*, December 21, 1898.

36 *Ibid.*

37 *Ibid.* (Italics mine).

38 Petition to Chamberlain, dated December 31, 1898. Photostat: S. N. 2894-2903.

39 *India*, February 10, 1899: Vol. 3, pp. 66-7.

40 Petition to Chamberlain, December 31, 1898. Photostat: S. N. 2894-2903.

41 *Ibid.*

42 *Ibid.*

43 F. A. Laughton to M. K. Gandhi, December 24, 1898. Photostat: S. N. 2898.

44 Renaud and Robinson to M. K. Gandhi, December 31, 1898. Photostat: S. N. 2900.

45 Gandhiji to Lord Curzon, dated January 27, 1899. Photostat: S. N. 2955.

46 Henry Binns, Prime Minister of Natal, to Governor of Natal, dated February 17, 1899, No. 305. NAI (Rev. & Agri. — Emign.) A-Progs. Nos. 1-3, July 1899.

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47 *India*, February 24, 1899.

48 *India*, February 10, 1899.

49 Under-Secretary of State for the Colonies to the Governor of Natal, March 27, 1899. NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 1-3, July 1899.

50 *Ibid.*

51 Petition to Chamberlain, dated December 31, 1898. Photostat: S. N. 2894-2903.

52 *Natal Mercury*, February 13, 1899.

53 *Natal Mercury*, February 28, 1899.

54 This is how Mr. F. S. Tatham described it:

"Outside under the verandah were sugar cane shavings, chewed sugar cane, a lot of coolie children, riksha natives, all obstructing the footpath and proving a positive nuisance to the public." *Natal Witness*, March 4, 1899.

55 *Ibid.*

56 *Ibid.*

57 *Natal Mercury*, March 3, 1899.

58 Petition to Natal Governor, July 31, 1899. Photostat: S. N. 3252.

59 M. K. Gandhi to the Colonial Secretary, July 6, 1899. Colonial Office Records: Memorials and Petitions. 1899.

60 Petition to Natal Governor, July 31, 1899. Photostat: S. N. 3252.

61 *Ibid.*

Chapter VIII

1 Mohammed Aesop Nagdi in an interview with the author at New Delhi on 11-4-1960.

2 Chandershankar Shukla, *Reminiscences of Gandhiji*, Vora & Co., Publishers Pvt. Ltd., Bombay, (1951), p. 289. For Henry Polak's statement in the following paragraph, see p. 231, *Ibid.*

3 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 366.

4 James W. Godfrey's letter to the author, dated July 7, 1960.

5 *Natal Mercury*, January 25, 1899.

6 *Ibid.*

7 *Natal Mercury*, April 8, 1898.

8 *Natal Mercury*, August 5, 1897.

9 *Natal Advertiser*, February 22, 1898.

10 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 368.

11 *Natal Advertiser*, February 22, 1898.

12 Gandhiji's letter to Lakshmidas Gandhi, dated about April 20, 1907. (C.W.M.G. Vol. VI); Photostat: S. N. 9524.

13 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 213.

14 *Ibid*, p. 214.

15 *Ibid*, p. 291.

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16 *Ibid.*
17 *Ibid*, p. 277.
18 *Ibid.*
19 *Gleanings* by Mira, Navajivan Publishing House, Ahmedabad, p. 14.
20 *Mahatma Gandhi Answers the Challenge of Leprosy* by Prof. T. N. Jagdisan quoted in *Gandhi Looks At Leprosy* by M. S. Mehendale, Bharatiya Vidya Bhavan, Bombay, (1971).
21 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 204.
22 *Ibid.*
23 *Natal Mercury*, August 30, 1900.
24 *Natal Mercury*, September 5, 1900.
25 *Natal Mercury*, August 30, 1900.
26 *Natal Mercury*, September 5, 1900.
27 *Natal Advertiser*, March 26, 1900.
28 Notes on the Position of British Indians in South Africa, Post September 3, 1900. Photostat: S. N. 3474-A.
29 *Natal Advertiser*, March 26, 1900.
30 *Times of Natal*, March 26, 1900. John Stapley to Henry Bale, May 18, 1899.
31 *Ibid.* Henry Bale to John Stapley, May 23, 1899.
32 *Ibid.*
33 *Ibid.* John Stapley to Henry Bale, May 26, 1899. (Italics mine).
34 *Ibid.* John Stapley to W. Hely-Hutchinson, July 3, 1899.
35 *Natal Advertiser*, March 30, 1900. (Italics mine).
36 *Natal Mercury*, March 30, 1900.
37 *Natal Mercury*, March 30, 1900.
38 *Times of India* (Weekly Edition), August 19, 1899.
39 *Ibid.*
40 "The Indian Question in South Africa", July 12, 1899. *Ibid.*
41 *Natal Mercury*, June 8, 1899.
42 *Natal Mercury*, June 28, 1901.
43 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 202.

Chapter IX

1 The second Report of the Natal Indian Congress, Post October 11, 1899. Sabarmati Sangrahalaya: S. No. 209 (C.W.M.G. Vol. III, p. 107).
2 *The Press*, August 20, 1898.
3 *Natal Advertiser*, April 1, 1897.
4 *Natal Advertiser*, April 5, 1897.
5 *Natal Mercury*, April 4, 1897.
6 *Natal Mercury*, June 12, 1897.
7 *Natal Advertiser*, August 15, 1899.

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8 *Natal Witness*, August 15, 1899.
9 *Natal Witness*, August 15, 1899; also *Natal Mercury*, July 7, 1899.
10 S. Radhakrishnan, *Mahatma Gandhi*, George Allen & Unwin Ltd., Museum Street, London, Second (Enlarged) Edition, (1949), p. 324.
11 *Natal Mercury*, November 30, 1898.
12 *Ibid.*
13 C. B. Dalal, *Gandhiji ni Dakshin Africa ni Ladat*, Part—V, p. 139, Gujarat Vidyasabha, Ahmedabad, (1958).
14 On April 24, to be more precise.
15 *Natal Mercury*, April 26, 1898.
16 *Natal Mercury*, May 8, 1897.
17 *Natal Witness*, June 1, 1897.
18 *Natal Mercury*, June 3, 1897.
19 *Natal Mercury*, August 21, 1897.
20 *Natal Mercury*, September 10, 1897.
21 *Natal Mercury*, October 28, 1898.
22 *Natal Mercury*, September 17, 1898 and *Natal Advertiser*, September 27, 1898.
23 *Natal Advertiser*, September 27, 1898.
24 *Ibid.*
25 *Natal Mercury*, October 28, 1898.
26 *Natal Advertiser*, November 8, 1898.
27 *Natal Mercury*, June 8, 1898.
28 *Natal Advertiser*, July 27, 1899.
29 *Times of India*, August 19, 1899.
30 *Rhodesia Advertiser*, January 29, 1899.
31 *Ibid.*
32 *Times of India* (Weekly Edition), April 15, 1899.
33 *Rhodesia Advertiser*, January 13, 1899.
34 *Rhodesia Advertiser*, January 20, 1899.
35 *Ibid.*
36 *Ibid.*
37 *Natal Advertiser*, January 10, 1899.
38 *Ibid.*
39 *Rhodesia Advertiser*, January 13, 1899.
40 *Ibid.*

The non-storekeeper members of the public, "Fairplay" pointed out, were not interested. The question was of importance to only "a few members of the Chamber who competed to a certain extent with the 'Banyans'. Yet the gentlemen who are now taking part in the anti-Banyan demonstration", had some of them, "actually supplied those very undesirables with goods" and had entered into other business transactions with them.

41 *Ibid.*
42 *Ibid.*
43 *Rhodesia Advertiser*, January 15, 1899.

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44 *Rhodesia Advertiser*, January 15, 1899.
45 *Rhodesia Advertiser*, January 20, 1899.
46 *Rhodesia Advertiser*, February 3, 1899.
47 M. K. Gandhi to the Editor, *Times of India*, March 11, 1899.
48 *Rhodesia Advertiser*, January 15, 1899.
49 *Natal Advertiser*, April 5, 1899.
50 *Natal Advertiser*, February 16, 1899.
51 *Ibid.*
52 *Ibid.*
53 *Ibid.*
54 *Ibid.*
55 From Acting Agent, Pretoria to High Commissioner, Cape Town, telegram No. 15, dated February 14, 1899. NAI (Rev. & Agri.—Emign.) A-Progs. No. 1, June 1899.
56 *Rhodesia Advertiser*, March 14, 1899.
57 *Natal Advertiser*, February 15, 1899.
58 *E.P. Herald*, February 14, 1899.
59 *Natal Witness*, March 15, 1899.
60 *Natal Mercury*, March 4, 1899.
61 *Natal Witness*, March 4, 1899.
62 *Natal Advertiser*, March 16, 1899.
63 *Ibid.*
64 "The Plague Panic in South Africa", March 20, 1899 by M. K. Gandhi, in *Times of India* (Weekly Edition), April 22, 1899.
65 *Natal Advertiser*, March 16, 1899. (Italics mine).
66 *Ibid.*
67 *Natal Advertiser*, March 15, 1899.
68 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 217.
69 *Ibid*, p. 218.

PART III

Chapter X

1 W. K. Hancock, *Smuts: The Sanguine Years*, Cambridge University Press, (1962), pp. 72-4.

2 Two men were fined for beating a native; the Government refunded the fines imposed on them by the Courts. In another case, where an offender was found guilty and punished for a similar offence, Kruger issued a statement: "Notwithstanding the judgment of the High Court we think the accused to have acted rightly". H. C. Armstrong *Grey Steel: J. C. Smuts*, Methuen & Co., London, (1939), p. 43.

3 Eric A. Walker, *A History of Southern Africa*, Longmans Green and Company Ltd., London, 3rd Edition, (1957), p. 476.

4 F. S. Crafford, *Jan Smuts—A Biography*, published in S. A. by

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Howard B. Timmins, Capetown, for George Allen & Unwin Ltd., London, (1946), p. 32.

5 *Ibid.*

6 Eric A. Walker, *A History of Southern Africa*, p. 465.

7 W. K. Hancock, *Smuts : The Sanguine Years*, p. 74.

8 Vladimir Halperin, *Lord Milner and the Empire*, Odhams Press Ltd., Long Acre, London, (1952), p. 46.

9 F. S. Crafford, *Jan Smuts—A Biography*, p. 34.

10 F. Addington Symonds, *The Johannesburg Story*, Fredrick Muller Ltd., London, p. 138.

11 W. K. Hancock, *Smuts: The Sanguine Years*, p. 76.

12 *Ibid*, p. 77.

13 *Ibid*, p. 76.

14 *Ibid*, p. 74

15 F. S. Crafford, *Jan Smuts—A Biography*, p. 35

16 Eric A. Walker, *A History of Southern Africa*, p. 475.

17 J. S. Marais, *The Fall of Kruger's Republic*, Oxford University Press, (1961), p. 232.

18 Eric A. Walker, *A History of Southern Africa*, p. 476. (Italics mine).

19 J. S. Marais, *The Fall of Kruger's Republic*, p. 239.

20 Sir William Butler, *An Autobiography*, 2nd Edition, New York, (1913), p. 184.

21 J. S. Marais, *The Fall of Kruger's Republic*, p. 239.

22 F. Addington Symonds, *The Johannesburg Story*, p. 143.

23 Eric A. Walker, *A History of Southern Africa*, p. 477.

24 *Ibid.*

25 Eight days before the Conference Milner had told Chamberlain that his terms would be: "five years' retrospective franchise with at least seven members for the Rand: if the Boers would not agree to that, 'Municipal Government for the whole Rand as an alternative, with wide powers, including control of police': if they rejected that also, there would be no point in discussing anything else." W. K. Hancock, *Smuts: The Sanguine Years*, p. 93.

26 Eric A. Walker, *A History of Southern Africa*, p. 93.

27 F. S. Crafford, *Jan Smuts—A Biography*, p. 36.

28 *Ibid.*

29 H. C. Armstrong, *Grey Steel : J. C. Smuts*, p. 57.

30 F. S. Crafford, *Jan Smuts—A Biography*, p. 37.

31 *Ibid.*

32 George Stead Veitch, *Empire and Democracy*, T. C. & E. C. Jack, London, p. 77.

33 W. K. Hancock, *Smuts : The Sanguine Years*, p. 101.

34 Eric A. Walker, *A History of Southern Africa*, p. 482.

35 W. K. Hancock, *Smuts : The Sanguine Years*, p. 101.

36 Eric A. Walker, *A History of Southern Africa*, p. 482.

37 *Ibid*, p. 480.

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38 Eric A. Walker, *A History of Southern Africa*, p. 483.

39 W. K. Hancock, *Smuts : The Sanguine Years*, p. 103.

40 Eric A. Walker, *A History of Southern Africa*, p. 484.

41 A. Conan Doyle, *The Great Boer War*, Smith, Elder & Co., 15, Waterloo Place, London, (1900), p. 44.

The following was the gist of the British note:

(1) The British Government are prepared to accept the five years' 'franchise' as stated in the note of August 19th, assuming at the same time that in the Raad each member might talk his own language.

(2) Acceptance of these terms by the South African Republic would at once remove tension between the two Governments, and would in all probability render unnecessary any future intervention to secure redress for grievances which the Uitlanders themselves would be able to bring to the notice of the Executive Council and the Volksraad.

(3) Her Majesty's Government "... earnestly press for an immediate and definite reply to the present proposal ... if ... the reply of the South African Republic should be negative or inconclusive, I am to state that Her Majesty's Government must reserve to themselves the right to reconsider the situation *de novo*, and to formulate their own proposals for a final settlement."

42 F. S. Crafford, *Jan Smuts—A Biography*, p. 33.

43 *Ibid*, p. 38.

44 W. K. Hancock, *Smuts : The Sanguine Years*, pp. 104-5.

45 F. S. Crafford, *Jan Smuts—A Biography*, p. 39.

46 F. Addington Symonds, *The Johannesburg Story*, p. 146.

47 Benjamin Sacks, *South Africa : An Imperial Dilemma*, University of New Mexico Press, Albuquerque, (1967), p. 19.

48 Benjamin Sacks, *J. Ramsay MacDonald in Thought and Action : An Architect for a Better World*, University of New Mexico Press, Albuquerque, (1952), pp. 362-3.

49 Edward R. Pease, *The History of the Fabian Society*, (New York, 1926, new and revised edition), pp. 128-38, quoted in *South Africa : An Imperial Dilemma*, by Benjamin Sacks, p. 21.

50 George Bernard Shaw, *Fabianism and the Empire* (1900), p. 101, quoted in *South Africa : An Imperial Dilemma*, Benjamin Sacks, p. 21.

51 Benjamin Sacks, *J. Ramsay MacDonald in Thought and Action : An Architect for a Better World*, pp. 362-3; quoted in *South Africa : An Imperial Dilemma*, by Benjamin Sacks, p. 21.

52 *Ibid*.

53 F. Addington Symonds, *The Johannesburg Story*, p. 147.

54 *Ibid*, p. 69.

55 The Government's defence for the imposition of the £ 1 fee was that such passes were a "concession" and so must be paid for. A higher

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deposit for embarkation passes was justified on the ground that it was needed to enable the Government to buy a passage for the passholders—"a favour which the pass holders had never asked for and did not appreciate." M. K. Gandhi in "The Indians in South Africa", dated October 27, 1899, in *Times of India* (Weekly Edition),December 9 1899.

56 Circular letter addressed to select persons in England, dated Durban, October 14, 1899 by M.K. Gandhi; Photostat: S.N. 3299; also Gandhiji dated Durban, October 27, 1899, in *Times of India* (Weekly Edition), December 9, 1899.

57 M.K. Gandhi in "The Indians in South Africa", dated October 27, 1899 in *Times of India* (Weekly Edition), December 9, 1899.

58 Under Clause 8 of the Immigration Restriction Bill of 1897, it was provieded that the master and owners of any vessel from which any "prohibited" immigrant was landed would be jointly and severally liable to a penalty of not less than One Hundred pounds Sterling, and each penalty could be increased up to Five Thousand Pounds Sterling by sums of One Hundred pounds Sterling each for every five prohibited immigrants after the first five, and the vessel could be refused clearance outwards until such penalty had been paid, and until provision had been made by the Master to the satisfaction of an officer appointed under the Act for the conveyance out of the Colony of each prohibited immigrant who might have been so landed. petition to Chamberlain of July 2, 1897 photostat: S.N. 2430-35.

59 Circular letter addressed to select persons in England, dated Durban, October 14, 1899 by M. K. Gandhi. photostat : No. S. N. 3299.

60 The Mayor said:

"They know full well that many of the Indian nationality had been compelled to leave their posts and come down here as refugees. They had had a large number arrived, and the Indians had borne the expense themselves.For that he sincerely tranked them ." M. K. Gandhi in "Indian Ambulance Corps in Natal" in *Times of India* (Weekly Edition), June 16, 1900,

Chapter XI

1 Transvaal Records of the British Agent in the Transvaal, telegram No. 24, Secretary of state to High Commissioner, April 24, 1897, quoted by Huttenback in *Gandhi in South Africa*, p. 113.

2 Secretary of State to High Commissioner, June 17, 1897. *Ibid.*

3 Earl of Selborne observed in this regard :

"After the retrocession of the Transvaal to the Boers in 1881 Asiatics many of whom were British Indians attempted to enter the country to reside in it, to trade and to acquire property. Their liberty to do so was questioned less at the instance of the Boers themselves than of the European traders who were in great part British subjects or of British origin."

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Earl of Selborne, Governor, Transvaal, to the Secretary of State for the Colonies, No. 529, dated Johannesburg, May 21, 1906. NAI (Emigration) A-Progs. No. 3, October, 1906, quoted by Iqbal Narain in *The \Politics of Racialism*, p. 179.

4 NAI (Emigration) A-Progs. No. 15, April 1898, quoted by Iqbal Narain in *The Politics of Racialism*, p. 173.

5 Connyngham Greene, Her Majesty's Agent, Pretoria, to Governor & High Commissioner, Cape Town, dated March 19, 1898, No. 82. NAI (Rev. & Agri.—Emign.) A-Progs. No. 2, September, 1898.

6 Report on Indian Immigration into the Transvaal by the British Vice-Consul, Evans, Johannesburg, dated March 2, 1898. NAI (Rev. & Agri.—Emign.) A-Progs. No. 17, June 1899.

7 Connyngham Greene., Her Majesty's Agent, Pretoria, to Governor & High Commissioner, Cape Town, dated February 26, 1898, No. 5, NAI (Rev. & Agri.—Emign.) A-Progs. No. 2, September, 1898.

8 *Ibid.*

9 Greene to Milner, dated March 19, 1898. *Ibid.*

10 Greene, Agent, Pretoria, to High Commissioner, Milner, Pretoria No. 113, dated April 30, 1898, *Ibid.*

11 Notes on the Test Case prior to April 4, 1898. Photostat: S. N. 3705.

12 Greene, Agent, Pretoria, to High Commissioner, Pretoria, March 16, 1898, No. 75. NAI (Rev. & Agri.—Emign.) A-Progs. No. 2, September 1898.

13 *Ibid.*

14 J. Emrys Evans to Her Majesty's Agent, Pretoria, December 3, 1898, No. 16 *Ibid.*

15 Greene to Governor and High Commissioner, March 16, 1898. *Ibid.*

16 Milner to Agent, Pretoria, March 25, 1898, No. 35. *Ibid.*

17 Greene to Milner, March 31, 1898, No. 21. *Ibid.*

18 *Ibid.*

19 Greene to High Commissioner, dated March 31, 1898, No. 21. *Ibid.* (Italics mine).

20 *Ibid.*

21 Greene to Milner, April 28, 1898, No. 31, as enclosure to Milner's despatch to Chamberlain, dated May 18, 1898. *Ibid.*

22 *Ibid.*

23 *Ibid.*

24 *Ibid.*

25 *Ibid.*

26 Memo by Dr. W. J. Leyds, dated April 25, 1898. *Ibid.*

27 From Milner to Agent, Pretoria, dated May 13, 1898. *Ibid.*

28 *Ibid.*

29 Secretary of State for the Colonies to Governor and High Commis-

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sioner, No. 213, June 22, 1898. *Ibid.* ...

30 *Star*, August 9, 1898.

31 Enclosure to a letter from Mr. Edmund Fraser, Acting Agent, Pretoria, to Milner, Governor and High Commissioner, dated August 24, 1898, No. 192. NAI (Rev. & Agri. — Emign.) A-Progs. No. 1, June 1899.

32 *Star*, August 8, 1898.

33 *Natal Advertiser*, August 10, 1898.

34 *Natal Mercury*, August 11, 1898.

35 *Star*, August 10, 1898.

36 *Ibid.*

37 Edmund Fraser to Milner, August 24, 1898, No. 192. NAI (Rev. & Agri.—Emign.) A-Progs. No. 1, June 1899.

38 The learned Judge had then gone on to observe:

"In my view the Court in Ismail Suleiman's case would have decided in accordance with sound juridical principles had it acknowledged, in the case of Ismail Suleiman and Co., a distinction between 'residence' and 'carrying on business' in a place. In the ordinary employment of words, one is not said to reside where he conducts his business and where he does not sleep; and in the petition in the above case the applicant intimated that he did not propose to reside where he wished to carry on his business."

39 *Star*, August 10, 1898.

40 *Star*, August 10, 1898.

41 Petition to Indian National Congress, August 22, 1898. (C. W. M. G. Vol. III, p. 14).

42 E. Fraser to High Commisioner and Governor, August 24, 1898, No. 196. NAI (Rev. & Agri.—Emign.) A-Progs. No. 1, June 1899.

43 *India*, November 18, 1898, Vol. II, p. 265.

44 *Ibid.*

45 *India*, December 16, 1898, Vol. II, p. 316.

46 *Ibid.*

47 *India*, December 9, 1898, Vol. II, p. 304.

48 F. W. Reitz, State Secretary, to Acting Agent, Pretoria, dated October 14, 1898. NAI (Rev. & Agri.—Emign.) A-Progs. No. 1, June 1899.

49 *Ibid.*

50 Acting Agent, Pretoria to Governor and High Commissioner, South Africa, November 9, 1898, No. 80. *Ibid.*

51 Major General George Cox, Administrator and Acting High Commissioner, to Secretary of State for the Colonies, November 22, 1898, No. 617, enclosing telegram No. 184, November 19, 1898, from Fraser. *Ibid.*

52 Enclosure to Fraser's letter to Governor, dated December 14, 1898, No. 91.

The following were the terms of the proposed draft agreement:

(1) All coloured people to be divided into two categories for the pur-

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pose of Legislation, namely,

(a) All coloured persons, of whatever origin, other than the pure aboriginal natives of South Africa and,

(b) The pure aboriginal natives of South Africa.

(2) All persons in category (a) already resident in South Africa and living and trading in towns to so continue and their coloured employees on premises or in towns, *but on cessation of existing business no transfer to be permitted to other than white successors* within any town saving only to the brothers and father's brothers of existing owners. A period of at least one year, after such cessation of business, to be allowed to the heirs or successors to carry on such business for the purpose of liquidation and settlement.

(3) All new comers to reside in locations, but hawking to continue as before both in towns and country.

(4) The registration fee payable under Law 3 of 1885-86 by all Asiatics including Chinese on first arrival to be raised from existing £ 3 to £ 25.

(5) All persons in category (a) to be required to get themselves registered and take out a half-yearly pass to be issued gratis and a supplementary employment pass to be issued gratis to those desiring to reside on premises of their employers in towns.

(6) Existing monthly passes, badges, regulations etc., to apply only to category (b). *Ibid.*

53 From Acting Agent to High Commissioner, Cape Town, December 22, 1898, telegram No. 199. *Ibid.*

54 From Administrator and High Commissioner for S. A. to Secretary of State for the Colonies, dated December 28, 1898. NAI (Rev. & Agri.—Emign.) A-Progs. No. 1, June 1899.

55 From Acting Agent to Acting High Commissioner, dated January 13, 1899, No. 11. *Ibid.*

56 *Ibid.*

57 High Commissioner to Secretary of State for the Colonies, April 4, 1899, telegram No. 1. *Ibid.*

58 J. S. Marais, *The Fall of Kruger's Republic*, p. 258.

59 NAI (Rev. & Agri.—Emign.) A-Progs. No. 1, June 1899, quoted by Iqbal Narain in *Politics of Racialism*, pp. 175-6.

60 Minute by Frederick Graham, March 14, 1899, on High Commissioner, to Agent, February 22, 1899. (C.O. 417/259, cited by Robert A. Huttenback in *Gandhi in South Africa*, p. 120).

61 High Commissioner to Acting Agent, February 22, 1899. NAI (Rev. & Agri.—Emign.) A-Progs. No. 1, June 1899.

62 High Commissioner to Agent, dated March 18, 1899, No. 22. NAI. (Rev. & Agri.—Emign.) B-Progs. No. 5, September 1899.

63 J. C. Smuts to C. Greene, Pretoria, March 29, 1899, *Ibid.* (Italics mine).

64 Greene to J. C. Smuts, March 30, 1899 *Ibid.*

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65 High Commissioner to Agent, dated April 4, 1899, No. 25. *Ibid.*

66 Milner to Greene, April 4, 1899, telegram No. 25. *Ibid.*

67 Milner to Chamberlain, April 4, 1899. *Ibid.*

68 *Ibid.*

69 The Manager of Tramway Company to William de Villiers, dated April 19, 1899, in reply to his letter of April 17, 1899. *Ibid.*

70 Agent to High Commissioner, dated April 21, 1899. *Ibid.*

71 Milner to Chamberlain, April 26, 1899, No. 251. *Ibid.*

72 High Commissioner to Chamberlain, dated April 26, 1899, No. 251. *Ibid.*

73 High Commissioner to Agent, Pretoria, May 12, 1899. *Ibid.*

74 Agent to High Commissioner, April 28, 1899, No. 130. *Ibid.*

75 Agent to High Commissioner, dated May 22, 1899, forming an enclosure to letter No. 356, dated May 31, 1899 from High Commissioner to Chamberlain. *Ibid.*

76 Memorial to Chamberlain, May 16, 1899. Photostat: S. N. 3198-99 and 3200.

77 *India,* May 26, 1899, Vol. I, p. 263.

78 *India,* July 14, 1899, Vol. II, p. 13.

79 *Transvaal Leader,* January 24, 1899.

80 W. K. Hancock, *Smuts: The Sanguine Years,* p. 90.

81 *India,* July 7, 1899, Vol. II, p. 2.

82 Letter to British Agent, July 21, 1899. Photostat: S. N. 3245.

83 *Natal Advertiser,* July 20, 1899.

84 J. S. Marais, *The Fall of Kruger's Republic,* p. 259.

85 Hely-Hutchinson to Chamberlain, February 6, 1897, and J. B. Robinson to Chamberlain, February and March 1897—Chamberlain Papers—Correspondence between Chamberlain and Hely-Hutchinson and letter from Rhodes, quoted by J. S. Marais in *The Fall of Kruger's Republic,* pp. 261-2.

Only two years ago, Natal after a violent agitation had stopped the further entry of unindentured Indians in Natal and Her Majesty's Government had acquiesced in it. In the early part of 1900 very angry anti-Indian sentiments were coming from Port Elizabeth in the South to Bulawayo and Umtali in the Rhodesian north. Even the pro-Milner *Star* of Johannesburg had maintained "the right of the Republic to defend itself against the incursion of Indians" since "the Asiatic is...a menace to the European's life." p. 259.

86 *Ibid,* p. 262.

87 *Indian Opinion,* March 3, 1904.

88 From Emrys Evans, Vice-Consul, to Agent, Pretoria, December 3, 1897, No. 16. NAI. (Rev. & Agri.—Emign.) A-Progs. No. 2, September 1898.

89 Statement made by Sir Benjamin Robertson before the Asiatic Enquiry Commission, (1921), p. 31.

90 *Ibid.*

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91 In his evidence before the Asiatic Enquiry Commission Eugene Marais of Pretoria said:

"It is a fact that the late Republican Government appointed Trustees to hold fixed property for Indians. On the Gold-fields where Indians acquired land, either the Mining Commissioner or someone else was appointed to hold land in trust for Indians. That was also the practice among the natives when General Joubert was Superintendent of Natives."

92 J. S. Marais, *The Fall of Kruger's Republic,* p. 262.

93 *Ibid.*

Chapter XII

1 Henry Gibbs, *Background to Bitterness,* Frederick Muller Ltd., London, (1954), p. 151.

2 *The Times History of the War in South Africa,* Vol. II, edited by L. S. Amery, Sampson Low, Marston and Company Ltd., London, pp. 102-4.

3 Lord Lansdowne was convinced that "a display of force would be the quickest and the surest way to secure peace" (Lord Wolseley's letter to Lord Lansdowne, dated August 24, 1899). Viscount Wolseley, on the other hand, was strongly of the view that "we ought not to send further reinforcements to South Africa until it has become clear that the last proposals made by the South African Republic cannot be accepted as a basis for discussion" (Lord Lansdowne to Lord Wolseley, August 27, 1899). Nor were they agreed on whether the battalions based in India of the force detailed to go from Home or the Mediterranean should be drawn upon. While the two debated these points much precious time was lost. *Report of His Majesty's Commission, appointed to enquire into the military preparations and other matters connected with the War in South Africa.* Printed for His Majesty's Stationery Office by Wyman and Sons Ltd., Fetter Lane, London, (1903).

4 The Marquess of Lansdowne to Viscount Wolseley, August 27, 1899.

5 *The Times History of the War in South Africa,* Vol. II, edited by L. S. Amery, pp. 138-9.

6 *Ibid.*

7 Henry Gibbs, *Background to Bitterness,* p. 157.

8 *India,* Vol. II, July, 24, 1903. Lord Ripon in Parliament on July 20, 1903.

9 *The Times History of the War in South Africa,* Vol III, edited by L. S. Amery, p. 45.

10 *The Times History of the War in South Africa,* Vol. VI, edited by L. S. Amery, pp. 44-5.

11 Dr. B. S. Moonje at the twentyfirst annual session of the Congress held at Benares in 1905. *Indian Opinion,* February 29, 1905.

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12 *Shyamji Krishna Varma* by Indulal Yagnik, p. 137. Vide C. B. Dalal's letter to the author, January 22, 1974.

13 Government of India's letter to Bombay Corporation, No. 1638, dated March 23, 1905.

14 From Dy. Municipal Commissioner, Bombay to the Director, Gandhi Smarak Sangrahalaya, Harijan Ashram, Ahmedabad, No. 14877, dated March 13, 1956, enclosing extract from the proceedings of a meeting of the Corporation held on April 6, 1905.

15 By its resolution No. 104 (*Ibid*), quoted by C. B. Dalal in his *Gandhiji ni Dakshin Africa ni Ladat*, Part V, p. 13.

An enquiry addressed to the Madras Corporation fetched the reply that no reference to this matter could be found in their record. (*Ibid.* Vide Madras Corporation's letter to C. B. Dalal, W. D. C. No. A. 1-27684/56, March 4, 1957).

One of these trophies which is kept in the Veermata Jijabai Bhosle Udyan (Victoria Gardens) for display to the visitors bears the following inscription:

VICKS NS & MAXIML
N 2336 MARK II
37M/AUTOCEN
MAXIM NORDENFELL
LONDON

Vide J. C. Garkhen, Superintendent of Gardens (Municipal Corporation of Greater Bombay) to the author, letter No. SG/9999/SR Dt. 10.11.1975.

16 *Indian Opinion*, November 5, 1904.

17 *Indian Opinion*, January, 28, 1905.

18 *Natal Mercury*, October 3, 1899.

19 M. K. Gandhi. *Satyagraha in South Africa*, p. 71.

20 Ibid. p. 72.

21 *Ibid*, p. 73.

22 *Ibid*,

23 *Ibid*.

24 *Ibid*.

25 *Ibid*. p. 74.

26 M. K. Gandhi to the Colonial Secretary, Octobtr 19, 1899, *Natal Mercury*, October 28, 1899. Photostat: S. N. 3301-2.

27 *Natal Mercury*, October 24, 1899.

28 *Natal Mercury*, January 4, 1900.

29 *Natal Mercury*, December 14, 1899.

30 Joseph J. Doke, *M. K. Gandhi*, Akhil Bharat Sarva Seva Sangh Prakashan, Varanasi (U.P.), (1956), p. 85.

31 "Indian Ambulance Corps in Natal" by M. K. Gandhi. Post March 14, 1900. *Times of India*, June 16, 1900 (C.W.M.G. Vol. III, p. 141).

32 Palmer's letter to Gandhiji, November 13, 1899. Photostat : S. N.

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3323.

33 Gandhiji's letter to Palmer, dated November 13, 1899. Photostat: S. N. 3323.

34 *Natal Advertiser*, December 4, 1899.

35 *Natal Advertiser*, November 27, 1899.

36 *The Englishman*, January 28, 1902.

37 *The Times History of the War in South Africa*, edited by L. S. Amery, Vol. III, p. 100.

38 *Natal Mercury*, December 4, 1899.

39 *Natal Mercury*, November 28, 1899.

40 Report by L. H. Mason, Protector of Indian Immigrants on Indentured Indians employed on the up-country districts of Natal. NAI (Rev. & Agri—Emign.) A-Progs. No. 10-12, January 1901.

41 Chairman, Volunteer and War Relief Committee's letter to Gandhiji, dated February 24, 1900. Photostat: S. N. 3392.

42 *Natal Mercury*, December 14, 1899.

43 *Ibid.*

44 Henry Gibbs, *Background to Bitterness*, p. 168.

45 *Natal Mercury*, October 24, 1899.

46 Gandhiji in conversation with the author.

47 *Indian Opinion*, September 3, 1903.

48 Gandhiji in conversation with the author.

49 *Natal Mercury*, December 29, 1899.

50 *Indian Opinion*, September 3, 1903.

51 *Ibid.*

52 *Natal Witness*, quoted in "Indian Ambulance Corps in Natal" by M. K. Gandhi, Post March 14, 1900. *Times of India* (Weekly Edition), June 16, 1900.

53 H. W. Wilson, *With the Flag to Pretoria*, Harmsworth Brothers Limited, London, (1900), p. 276.

54 *Natal Witness*, quoted in "Indian Ambulance Corps in Natal" by M. K. Gandhi, Post March 14, 1900. *Times of India* (Weekly Edition), June 16, 1900.

55 *Ibid.*

56 *Ibid.*

57 H. W. Wilson, *With the Flag to Pretoria*, p. 316.

58 Gandhiji to the editor, *Natal Advertiser*, January 30, 1900.

59 C.W.M.G. Vol. III, p. 134, January 30, 1900.

60 *Mahatma Gandhi—The Man and His Mission*, G. A. Natesan & Co., Madras, (1930), p. 12.

Europeans as a rule made no distinction between the Indian Volunteer Corps that Gandhiji had organised and the Indian followers who had accompanied the contingent from India. The casualties referred to by the correspondent of the *Illustrated Star* of Johannesburg were confined to the latter.

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61 Henry Gibbs, *Background to Bitterness*, p. 177.

62 *Natal Advertiser*, March 15, 1900.

63 *Indian Opinion*, November 12, 1903. Prime Minister Sir John Robinson's tribute to the Indian Community.

64 According to Gandhiji in his *Satyagraha in South Africa*, Prabhu Singh was perched up a tree and gave the signal by ringing a bell. I have, however, taken the liberty to depart from Gandhiji's version in favour of that of Col. Morris, Commandant Ladysmith, who chaired the public meeting held for the purpose of a presentation to Prabhu Singh, that appeared in the *Natal Advertiser*, of October 3, 1900.

65 *Natal Advertiser*, October 3, 1900.

66 *Natal Mercury*, October 12, 1900.

67 *Natal Mercury*, October 7, 1900.

68 Gandhiji's letter to the Colonial Secretary, Pietermaritzburg, March 30, 1901, P. M. Burg Archives, C. S. O. 1901/2888 (C.W.M.G. Vol. III, p. 181).

69 C. Bird to M. K. Gandhi, dated April 16, 1901; Pietermaritzburg, 2598/01 G. N. 455.

70 *Natal Mercury*, December 15, 1899.

71 *Ibid.*

72 *India*, February 23, 1900.

73 *Natal Advertiser*, January 6, 1900.

74 *Natal Advertiser*, October 6, 1900.

75 *Natal Advertiser*, December 26, 1900.

76 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 216.

77 Speech at Calcutta Meeting, January 27, 1902. *The Englishman*, January 28, 1902 (C.W.M.G. Vol. III, p. 223).

78 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 216.

79 According to the latest reports this has since been obliterated.

CHAPTER XIII

1 *The Times History of the War in South Africa*, Vol. VI, edited by L. S. Amery, p. 31.

2 Henry Gibbs, *Background to Bitterness*, p. 180.

3 F. S. Crafford, *Jan Smuts—A Biography*, p. 34.

4 *The Times History of the War in South Africa*, quoted by F. S. Crafford in *Jan Smuts—A Biography*, p. 43.

5 Herbert Kitchin to Gandhiji, April 20, 1900. Photostat: S. N. 3444.

6 *Ibid*, April 23, 1900. Photostat: S. N. 3447.

7 *Ibid*, May 2, 1900. Photostat: S. N. 3731.

8 F. S. Crafford, *Jan Smuts—A Biography*, p. 45.

Joubert after the fall of Dundee had severely reprimanded Afrikaners

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who had indulged in looting and damage before the officers' authority could be imposed. Sir George White spoke of him as "a soldier and gentleman, a brave and honourable opponent", and on his death Lord Roberts telegraphed his "respectful sympathy to the brave general whose personal gallantry was only surpassed by his humane conduct and chivalrous bearing under all circumstances." *(With the Flag to Pretoria,* p. 101). The captive British officers in Pretoria sent wreaths for his coffin. Reitz personally attended the funeral of General Penn Symons, whom he saw fall mortally wounded, before he rode off to rejoin his commando. *(Background to Bitterness,* p. 156). De la Rey's chivalrous treatment of the wounded Lieutenant General Lord Methuen, had evoked the delight and admiration of the whole world, when he captured the Englishman, treated him with utmost courtesy and sent him back to the British lines.

9 *The Story of South Africa* by Leo Marquard, Faber and Faber Limited, London, (1954), p. 209.

10 *Ibid.*

Commander Gideon Scheapers, a Transvaaler by birth, had joined the Transvaal Artillery as a telegraphist. In November 1900 de Wet sent him to Cape Colony at the head of twenty burghers to conduct guerilla warfare which he did for almost a year with skill and courage. He then became so ill that his men left him at a farm house and sent a message to the British to fetch him and give him proper medical treatment. The British after treating him in the hospital tried him by Court Martial. His plea that, as a soldier, he was carrying on instructions and that the Republican Government had warned Kitchener of reprisals if the British continued to destroy farms and, in any case, he was entitled to be treated as a captured prisoner of war and that a British court martial had no jurisdiction over him, was turned down. He was condemned to death and shot at the age of twenty-two.

11 J. A. Spender, *The Life of the Rt. Hon'ble Sir Henry Campbell-Bannerman,* Hodder & Stoughton Ltd., London, (1923), p. 324.

12 Reitz recorded one such incident. Near the Vaal river he had passed the night in a farm house. The following morning after he and his comrades had left the farm house, the British troops arrived at the farmstead. From a Kopje he and two ageing Boer brothers watched the soldiers as they fired the latters' house. Reitz and his companions rode after the old brothers to a laager of some thirty wagons sheltering a large number of Boer women and children. The women, whose menfolk were prisoners or among the commandos, had trekked with the old men to avoid being captured and put in the concentration camps. When the wagons trekked, Reitz saw the women get them over a ford "standing waist deep in icy water, tugging at wheels, urging the oxen on". A few days later he saw the women near Paardeberg. That night "pillars of smoke rose high, the sky 'reddened with the glare of burning homesteads. ...'. The women took the matter

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bravely, although there were tears and weeping at times, but each family, as soon as they realised the danger, fetched the oxen, inspanned their wagon and trekked away across the plains, out of harm's way!" Henry Gibbs, *Background to Bitterness*, p. 186.

13 J. A. Spender, *The Life of Sir Henry Campbell-Bannerman*, p. 325.

14 W. K. Hancock, *Smuts : The Sanguine Years*, p. 180.

15 *Ibid.*

16 J. A. Spender, *The Life of Sir Henry Campbell-Bannerman*, p. 336.

17 Henry Gibbs, *Background to Bitterness*, p. 183.

18 J. A. Spender, *The Life of Sir Henry Campbell-Bannerman*, p. 351.

19 F. S. Crafford, *Jan Smuts—A Biography*, p. 50.

20 *Ibid*, p. 92.

21 *The Times History of the War in South Africa*, edited by L. S. Amery, Vol. V, pp. 572-3.

22 H. C. Armstrong, *Grey Steel*, p. 104.

23 Basil Williams, *Botha, Smuts and South Africa*, Hodder & Stoughton Limited, London, (1948), p. 46.

24 W. K. Hancock, *Smuts: The Sanguine Years*, p. 157.

25 F. S. Crafford, *Jan Smuts—A Biography*, p. 50.

26 H. C. Armstrong, *Grey Steel*, p. 105.

27 F. S. Crafford, *Jan Smuts—A Biography*, p. 60.

28 Basil Williams, *Botha, Smuts and South Africa*, p. 47.

29 H. C. Armstrong, *Grey Steel*. p. 107.

30 *Ibid*, p. 108.

31 F. S. Crafford, *Jan Smuts—A Biography*, pp. 61-2.

32 H. C. Armstrong, *Grey Steel*, p. 112.

33 Henry Gibbs, *Background to Bitterness*, p. 189.

34 A. Conan Doyle, *The Great Boer War*, p. 499.

35 F. Addington Symonds, *The Johanneshburg Story*, p. 153.

36 *Ibid*, p. 155.

37 *Ibid*, p. 155.

38 *Indian Opinion*, July 23, 1904.

39 *Ibid.*

40 *Ibid.*

41 Wilhelm Dibelius, *England* (translated from German), Jonathan Cape, London, (1930), pp. 168-9.

42 *Young India*, August 4, 1920, p. 244.

43 Basil William, *Botha, Smuts and South Africa*, p. 91.

44 *Young India*, June 16, 1920, *"The Law of Sufferings"*.

PART IV

CHAPTER XIV

1 Gandhiji often used to say, that Devadas was born on the Mafeking Day i.e. May 17, 1900. Devadas Gandhi's passport, however, bears May 21, 1900 as the date of his birth. Devadas himself was doubtful as to its

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accuracy. To resolve the doubt, therefore, I addressed an inquiry to the Regional Representative, Department of Indian Affairs, Republic of South Africa, Durban. The "Abridged Birth Certificate" that has come confirms the date of birth set down on Devadas's passport. My difficulty, however, remains. Gandhiji could go wrong on a date but not on such a striking circumstance as the coincidence of the Mafeking Day celebration with the date of his youngest son's birth.

2 M. K. Gandhi to the Colonial Secretary, Pietermaritzburg, February 22, 1900. Pietermaritzburg Archives: C.S.O. 1462/1900 (C.W.M.G. Vol. III, p. 134).

3 Principal Under-Secretary for Colonies to M. K. Gandhi, March 12, 1900. Photostat: S. N. 3405.

4 M. K. Gandhi to the Stretcher-bearers, April 24, 1900 (C.W.M.G. Vol. III, p. 148).

5 M. K. Gandhi to Leaders of Ambulance Corps, April 20, 1900. Photostat of Gujarati original, S. N. 3445.

Quoted by Gandhiji in "Indian Ambulance Corps in Natal", *Times of India* (Weekly Edition), June 16, 1900 (C.W.M.G. Vol. III, p. 137).

Wrote a European Correspondent "Echo" in the columns of *Natal Mercury* of November 28, 1899:

"Close to the line all the time; a wounded man is scarcely stricken before they have a stretcher under him and are taking him out of fire which is the splendid type of fellow immortalised by Kipling in 'Gunga Din', and the Indian army has them in hundreds and is proud of them too."

7 *Natal Mercury*, October 30, 1900.

8 *Natal Mercury*, April 2, 1900.

9 Praising the conduct of the civilian stretcher-bearers, "body-snatchers" as they were called by the troops, the author of *With the Flag to Pretoria* has recorded: "A nondescript lot of men, ill-clad, and poorly shod, though they were, their deeds upon the battlefield time and again showed them to be surpassingly brave. For them there were no laurels, not even the *gaudium certaminis* which so often paralyses the sense of fear. Yet they did their duty and something more, laid down their lives in noble efforts to succour the wounded and dying. All honour, then, to this ragged Corps!" After describing the ordeal of Sir Warren's march on January 9, 1900, from Estcourt to Frere, through "the mud, and slush and tropical rain", when "the hills seemed to melt down like tallow under heat; the rain beat the earth into liquid, and the thick, earthy liquid ran down in terraced cascades", turning the whole veldt into "one sea of deep slushy mud", and the miserable bivouac that the men had that night, the soldiers having to lie out in the mud, he goes on to remark:

"Throughout the day the conduct of the civilian stretcher-bearers excited the most unstinted admiration and praise. They went forward stolidly to the firing line, and could be seen bending over the dead and succouring and removing the wounded with faithful devotion and superb coolness

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amidst the hail of bullets and shells. *The Boers fired on them with the utmost impartiality,* for the enemy either could not or would not see the red-cross badge. Not a few of the bearers were themselves killed and wounded". (Italics mine). *With the Flag to Pretoria,* p. 276.

10 Post September 3, 1900. Photostat: S. N. 3474-A (C.W.M.G. Vol. III, p. 161).

For the story of Miss Palmer's successful effort with the help of Lady W. Biddulph to get war medals granted to the members of the Indian Ambulance Volunteer Corps that follows, see Appendix A.

11 *India,* May 13, 1904, p. 230.

12 *India,* October 7, 1904, p. 170.

13 *Indian Opinion,* November 12, 1904.

14 M. K. Gandhi to the Colonial Secretary, Pietermaritzburg, March 17, 1900. Pietermaritzburg Archives: C. S. O. 8646/1901 (C. W. M. G. Vol, III, p. 142).

15 Gandhiji to Revashankar Jhaveri, May 21, 1901 (C.W.M.G. Vol. III, p. 193).

16 *Natal Mercury,* August 17, 1900.

In one of the camps the thirsty multitudes maddened with unutterable pain broke forth in search of water. "At last a shout of joy was heard ... In the centre of the little jungle was a stagnant pool—the remains of the last year's rains. Into this the multitude cast themselves and lapped the water greedily."

That night cholera broke out in the camp—"black cholera that tortures its victims with untold agonies before releasing them". The multitude lay themselves down by the roadside. The heat was 110 and this was night.

"The unwinking moon shone on the dead and the dying. ... Not a breath of wind stirred. ... The English doctor came. He felt a pulse here, examined a distended eyeball there, shook his head and passed on.

"Suddenly a low moan was heard in the palpitating stillness—from some poor wretch who read his death warrant. The effect was instantaneous. The cry passed from mouth to mouth. Eleven hundred rose, all but the dead, and fled into the night—some tottering and falling, rising again in a vain effort, then cast prone upon the earth. There was none to bury or burn them. But from afar there rose hoarse screeches and flapping of wings. It was a flock of vultures, starving, fierce, fighting one another with claw and talon to get down first to their horrid work." *Natal Mercury,* August 17, 1900.

17 *Ibid.*

"It is harrowing", remarked this journal, "to read the tales of rotting corpses which bestrew the burning sands for miles in the neighbourhood of great settlements, or of the glistening skeletons of thousands of human beings and cattle to be seen everywhere; of whole towns wiped out; of thousands of square miles of country deserted and burnt up; of the drying

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up of rivers never known to fail."

18 Report of Protector of Immigrants, Mr. L. M. Mason. NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 13-15, September 1901.

19 *Natal Advertiser*, July 31, 1900.

20 *Ibid.*

21 Notes on the Present Position of the British Indians in South Africa, Post September 3, 1900. Photostat: S. N. 3474-A.

22 Gandhiji to the Colonial Secretary, Pietermaritzburg, August 14, 1900. Pietermaritzburg Archives: C.S.O. 6061/1900 (C.W.M.G. Vol. III, p. 156).

23 *Natal Mercury*, February 4, 1901.

24 *India*, April 26, 1901, p. 181.

25 *Ibid*, p. 193.

26 Circular letter from M. K. Gandhi to Heads of Indian Schools in Durban, March 19, 1901. Photostat: S. N. 3789.

27 Newspaper clippings file XIII, p. 8, S. N. 3396, dated February 28, 1900. Sabarmati Sangrahalaya Collection.

28 *Times of Natal*, February 16, 1900.

29 *Natal Mercury*, March 26, 1900.

30 *Natal Mercury*, March 30, 1900.

31 *Natal Advertiser*, June 18, 1900.

32 *Natal Advertiser*, June 10, 1900.

33 *Natal Witness*, September 13, 1900.

34 *Times of Natal*, October 17, 1900.

35 *Natal Witness*, September 13, 1900.

36 M. K. Gandhi to the Colonial Secretary, July 31, 1900. Pietermaritzburg Archives: C.S.O. 6061/1900 (C.W.M.G. Vol. III, p. 153).

37 Commented Mr. John Henry Baynes of Pietermaritzburg in the columns of *India* on March 14, 1902:

"You declare the case most interesting as well as instructive to the Indian community. Sir, I go further and declare that it not only interests, instructs, and affects the welfare and legal birthright of the Indian community but (of) British subjects and particularly citizens of Natal ... . Indeed, it concerns and affects the whole of the coloured races of Natal ... the public insult of one section of the despised community certainly concerns the whole lot and it is their solemn duty to join hands and see this anti-coloured race legislation and race classification question to the bottom, so as to enable us to find out what our actual position as British subjects and citizens in Natal is."

38 *Natal Advertiser*, January 6, 1900.

39 And this because Lord Roberts had spoken a few words of sympathy to a deputation of Indians that had waited on him and had held out to them the hope of a fair deal on the return of normalcy. His religion of the white race superiority notwithstanding, it could never have crossed his imagination that a sovereign's solemn pledges, and declarations made by the British Government could be treated by any administration as mere scraps of paper.

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40 Gandhiji to Dadabhai Naoroji, October 8, 1900. (C.W.M.G. Vol. III, pp. 167-8).

41 Gandhiji to the Colonial Secretary, August 18, 1900. Pietermaritzburg Archives : C.S.O. 6063/1900 (C.W.M.G. Vol. III, p. 157).

42 Gandhiji to the Colonial Secretary, August 30, 1900. Pietermaritzburg Archives : C.S.O. 6063/1900 (C.W.M.G. Vol. III, p. 158).

43 Gandhiji to the Colonial Secretary, September 3, 1900. Pietermaritzburg Archives : C.S.O. 6063/1900 (C.W.M.G. Vol. III, p. 159).

44 Gandhiji's "Notes", Post September 3, 1900. Photostat : S. N. 3474-A.

45 Gandhiji's letter to Dadabhai Naoroji, October 8, 1900. (C.W.M.G. Vol. III, pp. 167-8).

46 The Congress passed the following resolution on the question of "South Africa" :

Resolved: That this Congress once more draws the attention of the Indian Government as well as of the Secretary of State for India to the grievances of the British Indians in South Africa, and earnestly hopes that, in view of the re-arrangement of the boundaries in that continent and the incorporation of the late Boer Republics into the British Dominions, the disabilities under which the Indian settlers laboured in those Republics, and as to which Her Majesty's Government, owing to their independence in internal matters, felt powerless to obtain redress, will now no longer exist, and that the serious inconvenience caused to the settlers in Natal, among others by the Immigration Restriction and the Dealers' Licences Acts of the Colony, which are manifestly inconsistent with the fundamental principles of the British Constitution as also the Proclamation of 1858, will be materially mitigated, if not entirely removed. (C.W.M.G. Vol. III, p. 167).

47 *Natal Witness*, July 12, 1899.

48 Henry Bale to Secretary of State for the Colonies, January 19, 1901. NAI (Rev. & Agri.—Emign.) A-Progs. No. 1, June 1901.

49 Prime Minister to Governor of Natal, January 22, 1901. *Ibid.*

50 Governor of Natal to Prime Minister, January 22, 1901. *Ibid.*

51 *Ibid.*

52 *Ibid.*

53 Governor of Natal to Secretary of State for Foreign Affairs, February 19, 1901, No. 49. *Ibid.*

54 *Ibid.* Noting by C.M. Rivaz, June 2, 1901.

55 *Natal Mercury*, September 12, 1901.

56 *India*, December 7, 1900.

57 Gandhiji to William Cooley, Town Clerk, September 24, 1900. Photostat of the original in Durban Town Council Records (C.W.M.G. Vol. III, p. 165).

58 *Natal Advertiser*, October 6, 1900.

59 *Natal Advertiser*, February 4, 1901.

60 *India*, July 26, 1901.

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61 Statement for Counsel's Opinion, dated October 2, 1901, and October 3, 1901. Photostat : S. N. 3915.

62 Notes on the Indian Position, March 27, 1902. Photostat : S. N. 3946.

63 *India*, March 14, 1902.

64 Notes on the Indian Position, March 27, 1902. Photostat : S. N. 3946.

65 Notes on the Indian Question, May 6, 1902. Photostat : S. N. 3963.

66 Secretary of State for India to Government of India, April 19, 1900, No. 4 (Public). NAI (Rev. & Agri.—Emign.) A-Progs. No. 10, July 1900.

67 *The Indians of South Africa—Helots within the Empire* by Henry S. L. Polak, G. A. Natesan & Co., Madras, (1901).

68 Gandhiji to the Colonial Secretary, May 18, 1899. NAI (Rev. & Agri.—Emign.) A-Progs. No. 10, July 1900.

69 *Ibid.*

70 *Ibid.*

71 *Ibid.*

72 Colonial Secretary to M. K. Gandhi, May 29, 1899. *Ibid.*

73 M. K. Gandhi to the Colonial Secretary, May 30, 1900. *Ibid.*

74 *Natal Mercury*, July 27, 1899.

75 *Ibid.*

76 *Natal Advertiser*, July 26, 1899.

77 *Natal Mercury*, July 27, 1899.

78 *Natal Witness*, July 27, 1899.

79 *Natal Mercury*, July 27, 1899.

80 *Ibid.*

81 Statement by Attorney-General of Natal, dated July 24, 1899. NAI (Rev. & Agri.—Emign.) A-Progs. No. 10, July 1900.

82 Chamberlain to George Hamilton, dated October 5, 1899. *Ibid.*

83 Secretary of State for the Colonies to Governor of Natal, December 16, 1899, No. 142. *Ibid.*

84 *Ibid.*

85 *Ibid.*

86 Note by E. Maconochie, May 15, 1900. *Ibid.*

87 Noting by Curzon, June 1, 1900, on Lord George Hamilton's despatch No. 47 (Public), dated April 19, 1900. *Ibid.*

88 Lord Curzon's despatch (No. 36) of July 12, 1900 to Her Majesty's Secretary of State for India, Lord George Hamilton. NAI (Rev. & Agri. —Emign.) A-Progs. No. 4, July 1900.

89 *Ibid.*

90 Sir Arthur Godley to Lord Curzon, July 27, 1900. NAI Curzon Papers, F. 111/159, Microfilm Reel No. 1. (Italics mine).

91 *India*, December 7, 1900, pp. 281-2.

92 *Ibid.*

93 *Natal Advertiser*, October 8, 1900.

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CHAPTER XV

1 *The Times History of the War in South Africa,* edited by L. S. Amery, Vol. VI, p. 5.

2 *Ibid,* p. 6.

3 Eric A. Walker, *A History of Southern Africa,* p. 492.

4 *Ibid,* pp. 492-3.

5 *Ibid.*

6 L. M. Thompson, *The Unification of South Africa,* Oxford University Press, (1961), p. 473.

7 Eric A. Walker, *A History of Southern Africa,* p. 473.

8 *Ibid,* p. 492 (June 1900).

9 *Ibid.* (October 1900).

10 Under-Secretary of State for the Colonies to Under-Secretary of State for India, October 2, 1897, No. 4900-97. NAI (Rev. & Agri.—Emign.) A-Progs. No. 31, January 1898.

11 Report on the Select Committee of the House of Assembly on East London's Municipality. NAI (Rev. & Agri.—Emign.) A-Progs. No. 31, January 1898.

12 *Ibid.*

13 *Ibid.*

14 *Cape Times,* September 28, 1900.

15 *Mahatma Gandhi—The Early Phase* by Pyarelal, Navajivan Publishing House, Ahmedabad, (1956), p. 394.

16 Registrar, Military Tribunal to Osman Latif and other Petitioners, November 23, 1900. Photostat: S. N. 3747.

17 Major O'Meara to M/s N. G. Desai and other Petitioners, November 24, 1900 (C.W.M.G. Vol. III, p. 187).

18 A circular letter from Mohammad Cassim Camroodeen & Co. and nineteen others, April 20, 1901. *India,* May 24, 1901 (C.W.M.G. Vol. III, p. 184). (Italics mine).

19 F. A. Gillam, Supervisor of Indian Immigrants, to E. Osman Latif, March 15, 1901. P. M. Burg, Archives: C.S.O. 3486/1901 (C.W.M.G. Vol. III, p. 188).

20 M. K. Gandhi, *Satyagraha in South Africa,* p. 86.

21 Telegram from M. K. Gandhi to Parwana (Code address of the Permit Secretary to the High Commissioner), Cape Town, March 25, 1901. Photostat: S. N. 3793 (C.W.M.G. Vol. III, pp. 179-80).

22 *Ibid.*

23 The wire ran :

(1) INCAS

(2) EAST INDIA ASSOCIATION

(3) SIR MUNCHERJI BHOWNAGGREE, London.

"Hundreds European Civilian Refugees Male Female Allowed Return Transvaal. All but Indian Shops Open. Authorities Offered Month Ago Two Permits for Thousands Indian Refugees None Granted Yet. Suffering

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Heavily. Please Help Indian Committee. Gandhi." S. N. 3810 (C.W.M.G. Vol. III, p. 182).

24 Circular letter dated April 20,1901, to friends in England by Gandhiji, *India*, May 24, 1901 (C.W.M.G. Vol. III, p. 183).

25 *Ibid.*

26 Gandhiji to Muncherji Bhownaggree, April 27, 1901. Photostat: S. N. 3817.

27 *Natal Mercury*, August 26, 1901.

28 Hamilton Fowle's Report. *Indian Opinion*, January 28, 1904.

29 Gandhiji to Hon'ble R.J.C. Lord, May 4, 1901. NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 28-30, July 1901.

30 Circular letter, April 20, 1901. *India*, May 24, 1901.

31 J. L. Jenkins, Acting Secretary to Government of Bombay, to the Secretary to Government of India, June 21, 1901. NAI (Rev. & Agri.—Emign.) A-Progs. No. 30, July 1901.

32 Noting, dated June 28, 1901, by R.E.V. Arbuthnot. NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 28-30, July 1901.

33 Government of India to Secretary of State for India, July 25,1901, No. 35. NAI (Rev. & Agri—Emign.) A-Progs. No. 29,July 1901.

34 Under-Secretary of State for India to Under-Secretary of State for the Colonies, August 23, 1900, J. & P. 1370. NAI (Rev. & Agri.—Emign.) A-Progs. No. 7, October 1901.

35 In their letter of August 30,1901, the Colonial Office had intimated that the matter referred to was "engaging the attention of Mr. Chamberlain and the Administration of the Transvaal" and that a report on the subject would be furnished by Milner as stated by Chamberlain to the House of Commons in reply to Sir M. Bhownaggree on July 18. NAI (Rev. & Agri.—Emign). A-Progs. Nos. 28-30, July 1901.

36 D. Wacha's letter to Gandhiji, June 19, 1901. Photostat: S. N. 3848.

37 Noting by Curzon, June 26, 1902. NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 16-18, July 1902.

38 Circular letter, April 20, 1901. *India*, May 24, 1901.

39 *India*, April 26, 1901.

40 Notice signed by E. G. Burgess, Supervisor of Indian Immigrants, May 6, 1901. Photostat: S. N. 3822-3.

41 Osman Haji Abdul Lateef and 139 others to H. E. Col. Colin Mackenzie, Military Governor, Johannesburg, May 9, 1901. *Ibid.*

42 F. A. Gillam, Supervisor of Indian Immigrants, Pretoria, to P. S. to the Legal Adviser to Transvaal Administrator, June 3, 1901. NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 16-18, October 1901.

43 NAI (Rev. & Agri.—Emign.) A-Progs. No. 7, October 1901.

44 *Ibid.*

45 G. V. Fiddes to Osman Haji Abdul Lateef, June 27, 1901. NAI (Rev. & Agri.—Emign.) A-Progs. No. 7, October 1901.

46 Minute, dated June 28, 1901. *Ibid.*

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47 F. A. Gillam, Supervisor of Indian Immigrants, to the Private Secretary to the Transvaal Administrator, June 13, 1901. *Ibid.* (Italics mine).

48 *Ibid.*

49 *Ibid.*

50 *Ibid.*

51 Gandhiji to the Hon. Secretary, East India Association, London, May 18, 1901. Photostat: S. N. 3825.

52 *India,* May 24, 1901, p. 261.

53 Letter addressed to the British Committee of Indian National Congress, June 1, 1901. Photostat: S. N. 3836.

54 *Ibid.*

55 Letter to Sir Muncherji, June 22, 1901. Photostat: S. N. 3853.

56 *Ibid.*

57 Chamberlain to Administrator of the Transvaal, July 26, 1901, No. 177. NAI (Rev. & Agri.—Emign.) B-Progs. No. 1, September 1902.

58 Address to Lord Milner, October 18, 1901 (C.W.M.G. Vol. III, p. 210).

59 Noting by T. W. Holderness, June 23, 1900. NAI (Rev. & Agri. —Emign.) A-Progs. No. 4, July 1900.

60 *Natal Advertiser,* August 17, 1901.

61 *Natal Mercury,* August 23, 1901:

The grievances listed in these regulations were that (a) the Mohammedans had been apprised of the meeting for the presentation of the address to their Royal Highnesses earlier, thus depriving other Indians from *(sic)* participating in it, (b) the majority of representatives elected to attend the presentation were Mohammedans. The other Indians in the Colony being more numerous should have had at least an equal number of representatives with the Mohammedans, (c) out of eight representatives chosen to receive invitations six were Mohammedans and (d) Mr. H. L. Paul was invariably chosen to represent the English speaking and other Indians.

62 M. K. Gandhi to the editor, *Natal Mercury,* August 21, 1901.

63 James W. Godfrey's letter to the author, dated July 7, 1960.

64 *Ibid.*

65 *Natal Mercury,* October 15, 1901.

66 *Natal Advertiser,* October 16, 1901.

67 C.W.M.G. Vol. VI, p. 197-8.

68 *Natal Advertiser,* October 16, 1901.

69 *Ibid,* October 19, 1901.

70 *Ibid.*

71 *Natal Mercury,* quoted in *India,* November 29, 1901.

72 M. K. Gandhi, *The Story of My Experiments with Truth,* p. 221.

73 Letter to Parsi Rustomjee, dated October 18, 1901. Photostat: S. N. 3922-3.

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74 Parsi Rustomjee to Gandhiji, October 19, 1901. Photostat: S. N. 3924.

75 *Ibid.*

76 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 222.

77 *Ibid.*

78 *Harijan*, July 31, 1940, p. 214.

Chapter XVI

1 *Times of India*, December 20, 1901.

2 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 222.

3 *Ibid.*

4 *Ibid*, p. 225.

5 The Resolution read:

The Congress sympathises with the British Indian settlers in South Africa in their struggle for existence and respectfully draws the attention of His Excellency the Viceroy to the anti-Indian legislation there, and trusts that while the question of the status of British Indians in the Transvaal and the Orange River Colonies is still under the consideration of the Right Hon'ble the Secretary of State for the Colonies, His Excellency will be graciously pleased to secure for the settlers a just and equitable adjustment thereof."

6 Speech at Calcutta Congress, December 27, 1901, (from "Seventeenth Indian National Congress", published by the All India Congress Committee, Calcutta, 1902; (C.W.M.G. Vol. III, p. 213).

7 *Ibid*, p. 215.

8 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 230.

9 *Ibid.*

10 *Ibid*, p. 235.

11 *Ibid.*

12 M. K. Gandhi to D. B. Shukla, January 25, 1902. Photostat: G. N. 2328.

13 M. K. Gandhi to Professor G. K. Gokhale, January 30, 1902. Photostat: G. N. 3723.

14 Gandhiji to Professor G. K. Gokhale, March 4, 1902. (C.W.M.G. Vol. III, pp. 228-9).

As in some European countries before the war, railway travel in India at this time was divided into four classes, depending on the standard of conveniences provided and the fares charged. First and second class provided the highest standard of comfort—the carriages were roomier, berths upholstered and the lighting better. The third class carriages were terribly congested and provided the barest minimum of amenities. Intermediate class came between the third and the second class and was used mostly by people belonging to the lower middle class.

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15 *Ibid.*

16 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 239.

17 Gandhiji to Mr. Maurice, dated, Rajkot, March 31, 1902. Photostat: S. N. 3950.

18 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 240.

19 *Ibid*, pp. 240-2.

20 *Ibid*, p. 242.

21 Gandhiji to G. K. Gokhale, March 4, 1902 (C.W.M.G. Vol. III, p. 229).

22 In an interview with the author at Limbdi on October 18, 1959, by Radhaben, then in her 74th year.

23 Letter to Parsi Rustomjee, March 1, 1902. Photostat: S. N. 3937.

24 Gandhiji to Mr. Maurice, dated, Rajkot, March 31, 1902. Photostat: S. N. 3950.

25 Gandhiji to Sir J. Robinson, dated, Rajkot, April 27, 1902. Photostat: 3961.

26 M. K. Gandhi to G. K. Gokhale, May 1, 1902. Photostat: G. N. 3718.

27 *Indian Opinion*, Novemer 12, 1903.

28 *Indian Opinion*, May 28, 1904.

29 Gandhiji to M/s Nazar and Khan, June 3, 1902. Photostat: S. N. 3976.

30 This is how Gandhiji defined this principle in a letter to an esteemed co-worker who, after throwing up his job as a professor in G.B.B. College in Muzaffarpur (Bihar) in response to the call of non-co-operation and serving in various capacities in the field of national service, had engaged in Flood Relief work, but felt a delicacy about drawing an allowance out of Flood Relief Fund:

"I see no harm in Flood Relief Fund supporting you ... We must get rid of there being shame in honorary service being paid in the sense in which we use the word 'honorary'. The labourer is worthy of his hire and all service is honorary when the servant takes no more than his hire. ... If your honorarium cannot be decently drawn from the Flood Fund I shall hold myself responsible for it." Gandhiji to Prof. N. R. Malkani, March 20, 1928 quoted in *Ramblings and Reminiscences of Gandhiji*, by N. R. Malkani, Navajivan Publishing House Ahmedabad, (1972), p. 15.

31 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 247.

32 *Ibid*, p. 248.

33 *Ibid*, p. 248.

34 Gandhiji to D. B. Shukla, November 8, 1902. Photostat: G. N. 2330.

35 *Ibid.*

36 M. K. Gandhi, *The Story of My Experiments with Truth*, p. 250.

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Chapter XVII

1 Minute by J. A. Polkinghorne, Acting Protector of Immigrants, Natal, June 27, 1902. NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 10-12, September 1902.

2 Secretary to the Government of Bengal to Secretary to Government of India, dated February 7, 1902, No. 639. NAI (Rev. & Agri. — Emign.) A-Progs. Nos. 29-31, April 1902.

3 Noting by Lord Curzon, March 19, 1902. *Ibid.*

4 *Ibid.*

5 Despatch to Rt. Hon'ble Lord George Hamilton, July 12, 1900, No. 36. NAI (Rev. & Agri.—Emign.) A-Progs. No. 4, July 1900.

For Denzil Ibbetson's minute in the following paragraph see NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 29-31, April, 1902.

6 *Ibid.*

7 Appendix—Bill "to amend the Indian Immigration Amendment Act, 1895". NAI (Rev. & Agri.—Emign.) A-Progs. No. 16, December 1902.

8 Gandhiji's letter, dated April 22, 1902, to the editor, *Times of India*, May 1, 1902 (C.W.M.G. Vol. III, p. 239).

9 *Ibid.*

10 Gandhiji's letter, dated May 10, 1902, to the Editor, *Times of India*, May 14, 1902 (C.W.M.G. Vol. III, pp. 247-8).

11 *Ibid.*

12 Gandhiji's letter, dated May 20, 1902, to the editor, *The Englishman*, May 26, 1902 (C.W.M.G. Vol. III, pp. 250-1).

13 *Ibid.*

14 "India & Natal" by Gandhiji in the *Voice of India*, May 31, 1902.

15 Memorial from Bombay Presidency Association to Lord George Hamilton, His Majesty's Principal Secretary of State for India in Council, London, dated June 5, 1902. Colonial Office Records: CO 179, Volume 225, India Office (C.W.M.G. Vol. III, p. 257).

16 Noting by Lord Curzon, dated June 26, 1902. NAI (Rev. & Agri. —Emign.) A-Progs. Nos. 16-18, July 1902.

17 *Natal Advertiser*, April 9, 1902.

18 Noting by Denzil Ibbetson, dated October 2, 1902. NAI (Rev. & Agri.—Emign) A-Progs. Nos. 8-9, October 1902.

19 Gandhiji to Dadabhai Naoroji, January 30, 1902. Photostat: S.N. 4035.

20 *India*, September 19, 1902.

21 *India*, September 12, 1902, Memorial of June 1902.

22 Copy of Notes by J. A. Polkinghorne, Acting Protector, dated August 29, 1902, forwarded by Charles J. Smythe, Colonial Secretary for

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Prime Minister to Governor General of India on September 12, 1902. NAI (Rev. & Agri.—Emign.) A-Progs. No. 16, December 1902.

"The Protector discussed the matter with Seebaluck, Iyavoo, Roopnarain, Teeluck Singh, Boda Singh, Sam Sirdar, Talwar Singh, Suchit Behari Singh and Jalim Chowdrey. In two cases he got favourable reply but in third case Roopnarain said that he had heard of the petition being forwarded but he was not asked to sign. Roopnarain also remarked: 'The Congress has authority from a certain number of Indians in Durban to take what action they think proper. The authority was given a number of years ago when we joined the Congress'." *Ibid.*

23 From Charles J. Smythe, Colonial Secretary, for Prime Minister to His Excellency the Governor General of India, September 12, 1902. *Ibid.*

24 Remarks by J. A. Polkinghorne, Acting Protector, dated August 29, 1902, on the Memorial of British Indians against the "Bill to amend the Indian Immigration Amendment Act, 1895." *Ibid.*

25 *Ibid.*

26 Secretary of State for India to Government of India, dated November 21, 1902. NAI (Rev. & Agri.—Emign.) A-Progs. No. 16, December 1902.

27 From Sir Henry C. McCallum, Governor of Natal, to Viceroy of India, dated March 1, 1902, No. 73. NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 21-22, June 1902.

28 Noting, dated April 21, 1902, by C.A.C. NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 3-23, September 1885, quoted by R.E.V. Arbuthnot in his memorial, dated May 13, 1902. NAI (Rev. & Agri.—Emign.) A-Progs. Nos. 21-22, June 1902.

29 Noting, dated May 13, 1902, by R.E.V. Arbuthnot. *Ibid.*

30 Note by Lord Curzon, May 24, 1902. *Ibid.*

31 *The Times History of War in South Africa,* Vol. VI, pp. 15-6.

32 *Ibid,* p. 30.

33 Dr. Porter to Acting Mayor, Johannesburg, dated March 22, 1901. NAI (Rev. & Agri.—Emign.) B-Progs. No. 1, September 1902.

34 *Ibid.*

35 CO 291/37, enclosure to letter dated October 17, 1901 from Major O'Meara to Fiddes (Report of Acting Minister of Health to Health Measures Committee, 22 March, 1901), quoted by Bala Pillai in *British Indians in the Transvaal—1886-1906,* Longman Group Ltd., London, (1976), p. 90. (Italics mine).

36 Minute of the Eighteenth Ordinary Meeting of the Johannesburg Town Council, dated September 18, 1901. NAI (Rev. & Agri.—Emign.) B-Progs. No. 1, September, 1902. (Italics mine).

37 Lionel Curtis, Acting Town Clerk, to Major O'Meara, dated October 15, 1901. *Ibid.* (Italics mine).

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38 *Ibid.* (Italics mine).

39 Major O'Meara to Mr. Fiddes, dated October 17, 1901, No. G. C. 1178/01. *Ibid.*

40 From Lord Milner to Chamberlain,

41 Chamberlain to Lord Milner, March 15, 1902, Transvaal. *Ibid.*

42 Petition to Lord Milner by British Indian Society, dated February 27, 1902. Photostat: S.N. 3936.

43 Private Secretary to High Commissioner, letter No. P/S 213, March 10, 1902. Photostat: S.N. 3944.

44 T.A. Memo. Lagden to High Commissioner, January 4, in Despatch No. 177 to the Colonial Secretary, July 26, 1901. Quoted by Huttenback in *Gandhi in South Africa,* p. 128.

45 T. A. No. 126, Transvaal to Colonial Office, June 28, 1901, Memo. by Wybergh. Quoted by Huttenback in *Gandhi in South Africa,* p. 129.

46 T.A. Memo. on position of Indians in the Transvaal by P. Duncan, February 14, 1902. Quoted by Huttenback in *Gandhi in South Africa,* p. 130.

47 C. D. 2239. (1904) T. A. Confidential, High Commissioner to Secretary of State, April 18, 1904. Quoted by Huttenback in *Gandhi in South Africa,* pp. 130-1.

48 Milner to Rev. James Green, Dean of Pietermaritzburg, December 12, 1901. *The Milner Papers—South Africa,* edited by Cecil Headlam, Vol. II, p. 314. Cassell & Co. Ltd., London, (1931).

49 Milner's address to the Municipal Congress, Johannesburg, May 18, 1903. *Ibid,* p. 467.

50 Milner to Chamberlain, April 3, 1902 NAI (Rev. & Agri.— Emign.) B-Progs. No. 1, September 1902.

51 *Ibid.*

52 CO 291/38, minute dated 24-4-1902 by H. Lambert.

53 CO 291/38, minute dated 30-4-1902 H. W. Just.

54 Milner to Chamberlain, dated June 20, 1902, telegram No. 539. *Ibid.* (Italics mine).

55 In his telegram dated July 29, 1902 Lord George Hamilton pressed that locations for Asiatics, if enforced, must be such only as could be justified on sanitary grounds; in the case of "better class" of Asiatics, such as well-to-do traders, where sanitary reasons could hardly be alleged, no compulsion to reside in locations should be imposed; and when such well-to-do Asiatics had in their employ Native Indian servants the latter should not be, unless on sanitary grounds, compelled to reside in locations, apart from their employers. Finally, in regard to Asiatics living in locations being prohibited from acquiring real property except in locations, he urged that, when a person living in a location was allowed to carry on business outside it, he should be allowed to acquire property in the site of his shop or other

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business premises. *Ibid.*

56 Chamberlain to Milner, dated August 6, 1902. *Ibid.*

57 CO 291/38, Letter of the Transvaal Moslem refugees to Grand Mufti of Egypt, dated June 28, 1902.

58 CO 291/47, Earl of Cromer to Lord Lansdowne, dated Cairo, March 6, 1902.

59 CO 291/47, Chamberlain to Lord Lansdowne, dated August 25, 1902.

60 *Transvaal Leader*, October 7, 1902.

61 *Natal Mercury*, December 3, 1902.

62 *Ibid.*

63 *Ibid.*

64 This is how this portion of Lord George Hamilton's speech was reported in *India* of November 7, 1902:

"You should supply me with specific information as to whether the old regulations have recently been rigidly enforced, and I am sure, as we have a common object to serve, that gentlemen whom I ask to cooperate with me in getting this information will understand that it is necessary to supply me with what is reliable because *it has happened in Natal that a gentleman actuated by the best of motives, overstated the case in the account that he gave to the Government*, and you know that if on enquiry these statements are found to be greatly exaggerated and not sound in their foundation...the authority of the Secretary of State is correspondingly weakened." (Italics mine).

65 *London Times*, November 7, 1902.

66 *Rand Daily Mail*, November 1, 1902.

67 *Ibid.*

68 *Rand Daily Mail*, October 29, 1902.

69 *Rand Daily Mail*, October 28, 1902.

70 *Star*, November 15, 1902.

71 *Transvaal Leader*, December 2, 1902.

72 *India*, October 31, 1902.

73 *The Times History of the War in South Africa*, Vol. VI, p. 74.

74 Among the demands contained in the list presented by Boer Generals to Chamberlain were complete amnesty for all rebels, full compensation for all loss occasioned by the British troops, and even for the use of properties during the war, the reinstatement or compensation of the officials of the late Republics, the payment of all Republican war debts, the recognition of the burgher rights acquired during the war by foreigners and the restoration to the Transvaal of the districts ceded to Natal. *Ibid.*

75 Vladimir Halperin, *Lord Milner and the Empire*, p. 129.

76 'Notes on the Indian Position', Rajkot, March 27, 1902. Photostat:

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S. N. 3946.

77 *Ibid.*

78 *Ibid.*

79 *The Times History of the War in South Africa,* Vol. VI, pp. 26-7.

80 Gandhiji to W. S. Caine, Member of the British Parliament, March 26, 1902. Photostat: S. N. 3945.

81 'Notes on the Indian Question', May 6, 1902. Photostat : S. N. 3963.

82 *Ibid.*

83 Gandhiji to W. S. Caine, March 26, 1902. Photostat: S. N. 3945.

84 *Ibid.*

85 *Ibid.* (Italics mine).

86 'Notes on the Indian Question,' May 6, 1902. Photostat: S. N. 3963.

87 *The Times History of the War in South Africa,* Vol. VI, pp. 17-9

88 *Ibid.*

89 L. M. Thompson, *The Unification of South Africa,* p. 8.

90 *The Times History of the War in South Africa,* Vol. VI, pp. 18-9.

91 Eric A. Walker, *A History of Southern Africa,* p. 501.

92 Lord Milner to Charles Boyd, January 31, 1902. *The Milner Papers* (*South Africa*), edited by Cecil Headlam, Vol. II, p. 407.

93 Pyarelal, *Mahatma Gandhi—The Early Phase,* p. 460.

94 On February 27, preliminary to a meeting the next day between the two Military leaders, Kitchener and Botha, Chamberlain wrote to Lord Milner thus:

"Botha must not be allowed to suppose that there will be absolutely no change as to the status of natives, but we do not contemplate making them masters of the whites. He might be referred to the laws of Cape Colony and Natal which have not endangered the status and interests of whites." P.R.O. CO 879173 No. 650, p. 74, Chamberlain to Milner, February 27, 1900), quoted by Benjamin Sacks, in *South Africa—An Imperial Dilemma,* p. 22.

95 Querying this draft article, Chamberlain wrote:

"Seems to be worded so that we should actually have to exclude natives from the Franchise in any constitution establishing a self-governing Colony. Would it not be enough to leave out from after 'until' to end and insert 'the introduction of representative Government'?" Milner replied, "Yes. That would be the object of the clause. Clause suggested by you would defeat that object. ... I think there is much to be said for leaving the question of political rights of natives to be settled by Colonists themselves." *The Milner Papers* (*South Africa*), Vol. II, edited by Cecil Headlam, pp. 356-7.

96 Benjamin Sacks, *South Africa—An Imperial Dilemma,* p. 23.

97 *Ibid,* p. 24.

98 L. M. Thompson, *The Unification of South Africa,* p. 12.

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